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Transcript of Mark J. Schmidt

Date: January 23, 2020

Case: Pursley -v- The City of Rockford, et al.

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PATRICK PURSLEY, :
 :
 Plaintiff, :
 :
 vs. : Case No. 3:18-cv-50040
 :
 THE CITY OF ROCKFORD, :
 et al., :
 :
 Defendants. :
 :

Deposition of MARK J. SCHMIDT
Rockford, Illinois
Thursday, January 23, 2020
9:18 a.m.

Job No.: 271740
Pages: 1 - 294
Reported By: Beth A. Wakenight,
B.A., CSR, RPR, CRR

1 Deposition of MARK J. SCHMIDT, held at the
2 offices of:

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15 Pursuant to notice and subpoena, before
16 Beth A. Wakenight, a Certified Shorthand Reporter,
17 Registered Professional Reporter, and Certified
18 Realtime Reporter, in and for the State of
19 Illinois.
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24

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11
12
13 ALSO PRESENT: Mr. Patrick Pursley
14 (via telephone from Champaign, IL)

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I N D E X

WITNESS: Mark J. Schmidt

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(Original exhibits returned
to Mr. Iasparro. Copies of
exhibits provided electronically.)

1 TRANSCRIPT OF PROCEEDINGS

2 MARK J. SCHMIDT, called as a witness
3 herein, having been first duly sworn on oath, was
4 examined and testified as follows:

5 EXAMINATION

6 BY MS. TINGSTAD:

7 Q Good morning, Mr. Schmidt.

8 A Good morning.

9 Q My name is Ashley Waddell Tingstad, and
10 I'm an attorney who is representing Patrick
11 Pursley. Could you please state your full name
12 for the record.

13 A Mark J. Schmidt, S-C-H-M-I-D-T.

14 Q And you're aware that you're being deposed
15 today in the case of Patrick Pursley versus
16 City of Rockford and several other defendants?

17 A Yes.

18 Q Have you ever been deposed before?

19 A Yes.

20 Q So you know how this works. I'll just
21 remind you that a deposition is under oath, as
22 you know. And I'm going to be asking questions.
23 You're going to be answering them today. It's
24 important that we don't interrupt each other,

1 so that we can get a clean record. And it's
2 important that your answers be verbal as opposed
3 to "uh-huh" or nods of the head. There is nothing
4 wrong with asking me to repeat a question if you
5 don't understand it. If you do answer the
6 question, I'm just going to assume that you did
7 understand it.

8 If you need clarification for any
9 question, look to me. You don't have to -- don't
10 look to your attorney for that. And if you need
11 to take a break -- and we will be taking
12 breaks today -- just don't be shy.

13 A Okay.

14 Q Let me know. So, Mr. Schmidt, can you
15 tell me a little bit about -- well, first, are
16 you -- do you work? Are you working right now?

17 A No.

18 Q Okay. You're retired?

19 A Yes.

20 Q And where are you retired from?

21 A The City of Rockford Police Department.

22 Q Okay. Can you tell me when you retired?

23 A I retired January 17th of 2007 or -- yeah,
24 2007.

1 Q And when did you start at the Rockford
2 Police Department?

3 A March 17, 1975.

4 Q What types of positions did you hold while
5 you were at the Rockford Police Department?

6 A I was in patrol.

7 Q You started in patrol?

8 A That's correct. And then do you want to
9 know other areas that I was involved in?

10 Q Yes.

11 A Like SWAT?

12 Q Sure.

13 A I was a SWAT officer for approximately ten
14 years.

15 Q What were those years?

16 A I don't recall.

17 Q Were they before or after the 1998 --
18 1993?

19 A I was still in SWAT when I was promoted
20 to the detective division in 1988. And then
21 somewhere in between towards the -- probably
22 three or -- three years or so into it, you know,
23 while I was in the detective division, it was just
24 so overwhelming that I ended up dropping out of

1 SWAT because with the classes and the different
2 things and the training and everything, it was
3 hard to get time off to do that because of the
4 caseloads and stuff. So I was -- I dropped out
5 of it at that time.

6 (Mr. Mogbana enters the deposition
7 proceedings.)

8 BY MS. TINGSTAD:

9 Q So SWAT was a special division or a
10 special designation at the police department that
11 was separate from the detective bureau?

12 A Right.

13 Q Okay.

14 A You did that along with your other duties.

15 Q Okay. You would be the person who would
16 take a SWAT call if there was one?

17 A Right, I was part of the SWAT team.

18 Q Right, okay. So you were a patrol
19 officer; and from 1975, then you started doing
20 SWAT as a patrol officer?

21 A That's correct.

22 Q And then you moved. You said you were
23 promoted to the detective division in 1988?

24 A That's correct.

1 Q Okay. And sometime after that, you
2 dropped -- you stopped doing SWAT, and you just
3 focused on the detective division?

4 A That's correct.

5 Q And as an officer in the detective
6 division in 1988 through, let's say, 1994 time
7 frame, were you still an officer in the detective
8 division through 1994?

9 A Yes.

10 Q And what rank were you?

11 A Detective.

12 Q Detective, okay. So you had supervising
13 officers that were above you?

14 A Yes.

15 Q Okay. And at that time when you were the
16 rank of detective who was supervising you?

17 A My immediate supervisor was Sergeant Steve
18 Pirages.

19 Q Uh-huh. And who else was?

20 A Lieutenant Gambini.

21 Q And he would have been above Sergeant
22 Pirages?

23 A That's correct.

24 Q And then one level higher than Lieutenant

1 Gambini, was it the chief?

2 A It would have been assistant deputy chief
3 Dominic Iasparro and then the "chief" chief above
4 him.

5 Q Who was the chief at that time, do you
6 recall?

7 A William Fitzpatrick, I believe, at that
8 time.

9 Q Did you have subordinates as a detective
10 at that -- in that time frame, 1988 to 1994? Was
11 anyone lower rank than you that you would have --
12 that would have been subordinate to you?

13 A If you were a detective, you were a
14 detective. When -- you know, when you're
15 brand-new, you're learning and stuff like this.
16 And then there was senior detectives that had
17 been in there, you know, much longer and stuff;
18 but you're still the same rank.

19 Q You're all the same rank?

20 A Right.

21 Q But some folks are more senior than
22 others?

23 A Depending on how many years you got on,
24 yes.

1 Q So what were some of your -- how -- strike
2 that. When you were promoted to detective, what
3 kind of training did you have to start being a
4 detective?

5 A Once I got assigned to the detective
6 division, I was promoted -- I believe it was in
7 July of '88. I'm not exactly sure of the exact
8 date that I -- that an opening opened up and I
9 went in. I started out in the burglary division.
10 And I was there for probably pretty close to --
11 oh, I want to say three years or so. I went to
12 different schools, you know. They would assign
13 me, like, interviews and interrogations through
14 Reids School. Reids, I believe it's R-E-E-D-S
15 (sic). It's a Reids Interviews and
16 Interrogations.

17 I went to a homicide school in Louisville,
18 Kentucky. I went to a blood spatter school there.
19 I went to a sex crime class. These are all just
20 classes that we went to; we're assigned to go.
21 And it was a lot of them --

22 Q Uh-huh.

23 A -- you know, like that. I went to several
24 interview and interrogation-type classes.

1 Q And you talked about the Reids School.
2 What is that?

3 A It's just a -- that's who put on the
4 course. It's Reids. They have classes for
5 interviews and interrogations and different things
6 like that.

7 Q Did you also receive training from
8 Rockford Police Department regarding interviews
9 and interrogations?

10 A Well, just what you learned with the
11 people you work with, you know, and not -- not a
12 class, per se, that I know of for sure that -- you
13 know, I'm sure they had different courses. You
14 know, we were often assigned to different schools
15 that, you know, some of them came to our
16 department and we'd attend. It might be an
17 eight-hour course and it might be a two-day
18 course. It could be four or, you know, even a
19 week, so.

20 Q So what I hear you saying is that a lot
21 of these trainings were performed by outside
22 organizations or education outfits that would
23 either come to you or you would go to them?

24 A That's correct.

1 Q Do you recall any general orders regarding
2 interviews and interrogations, policies and
3 procedures, that were put in place at the Rockford
4 Police Department?

5 A I'm sure they had them. To recite them
6 from, you know, that long ago, I don't know.

7 Q Do you remember having a copy of the
8 general --

9 A Yes.

10 Q -- orders? Where would you keep that
11 copy?

12 A Well, when I was in patrol I had general
13 orders. You had a book --

14 Q A book?

15 A -- of the general orders. Every time
16 they issued a new one, you -- you know, or if they
17 updated one, you would take that one out and put
18 that in the book. And the department often
19 checked your book to make sure your general
20 orders were up-to-date on everything. So, I
21 mean, that was a pretty thick book. And when
22 I was in the detective division I kept that in
23 my desk. When I was in patrol it was in my
24 locker.

1 Q So you said that you were trained
2 regarding how to conduct interviews and
3 interrogations. Is there a distinction between
4 an interview and interrogation?

5 A Well, when -- an interrogation is more
6 the accusatory part of it. Interviewing somebody
7 would be, like, a witness statement or something
8 like that; or getting general information from
9 somebody and kind of getting the gist of it.
10 Then more interrogating somebody would be when
11 you'd advise them of their rights; and now you're
12 going to go ahead and talk to them about the --
13 whatever incident it is you're going to talk to
14 them about.

15 Q So if a person is suspected of a crime,
16 and you suspect them of a crime, and you're going
17 to ask them questions about that, would that be
18 considered an interview or an interrogation?

19 A Could be both.

20 Q So the distinction for you -- what I'm
21 hearing you saying is, the distinction for you
22 is whether or not within that interview or within
23 that conversation you're accusing them of
24 something?

1 A Yes, I think.

2 Q Were you trained on Miranda rights?

3 A I don't -- I'm not sure if you're -- you
4 know, I knew Miranda rights, and we were, you
5 know -- how to give them. You know, we had
6 Miranda rights forms that if we had somebody
7 out on the street, we had a card that we'd read
8 from for Miranda.

9 And then in the detective division we had
10 forms that we -- you know, we always use two
11 copies. One copy, we'd mark the top line, have
12 the individual read it. That way we knew that
13 they understood it, and they could speak English.
14 And then we would read the rest of the warning,
15 while they followed along with their copy. And
16 we would check off, you know, that we read each
17 one to them. Asked them again if they understood
18 their rights, if they had any questions; and then
19 we'd have them initial it and sign it.

20 Q And at what point, what would trigger the
21 Miranda warnings?

22 A Well, if you were going to interview
23 somebody regarding crimes that they're involved in
24 or you suspect that they're involved in.

1 Q Is there anything else that would trigger
2 the Miranda warning other than preparing to
3 interview someone for a crime that they were
4 involved in?

5 A I didn't -- you didn't have to give the
6 Miranda warning unless you were going to talk to
7 them about whatever crime they did.

8 Q Okay. So if you were talking to them
9 prior to giving the Miranda warning, you would be
10 talking to them about other things?

11 A Yes.

12 Q Even if you suspected them of committing a
13 crime, you wouldn't give a Miranda warning until
14 you started talking to them about that crime?

15 MR. IASPARRO: Object to form; foundation;
16 if you understand, you can answer.

17 THE WITNESS: Pardon?

18 MR. IASPARRO: If you understand that, you
19 can answer.

20 THE WITNESS: Could you repeat that again.

21 MS. TINGSTAD: Would you mind reading back
22 the question?

23 (Record read.)

24 THE WITNESS: If they were in custody,

1 it's custodial interrogations. If you -- if
2 they're not in custody, charged with something,
3 then, no, you wouldn't have to Mirandize them.

4 BY MS. TINGSTAD:

5 Q If they're not in custody or charged with
6 something?

7 A If they're not in custody; Miranda is a
8 custodial warning for them. Once they're in
9 custody, then it's more so they understand their
10 rights. They have the right not to talk to you.
11 They have a right to consult with a lawyer and
12 stuff like that.

13 Q So a person can be in custody without
14 having been charged with something, correct?

15 A Yes.

16 Q And you were trained also in procedures on
17 how to question witnesses, correct? I think you
18 testified to that.

19 A I'm not sure I know what you mean by that.

20 Q You said you went to Reids trainings
21 regarding interviews and interrogations. That
22 would include questioning witnesses?

23 A Well, a witness is -- you know, it's a
24 different thing. You know, you're getting

1 information about what they know about something,
2 what they seen, what they heard or whatever.

3 Q And was there ever a time that you -- when
4 you interviewed witnesses that you sensed they
5 weren't telling the truth?

6 A Sure.

7 Q And what was your approach -- strike that.
8 Were there any policies or procedures regarding
9 how to approach a witness who might be giving you
10 information that doesn't make sense with regard to
11 what you know about facts?

12 A Like what?

13 Q For example, if you're interviewing a
14 witness and you know that a crime occurred, you
15 know, at night; and the witness is telling you,
16 "I know about this crime and it happened in the
17 morning." Are there -- did you have any
18 techniques or practices to address that? What
19 would you do?

20 MR. IASPARRO: Object to form.

21 MS. TINGSTAD: I can restate the question.
22 It was a long one.

23 Q So I gave you an example of a witness
24 who's saying they're giving you information about

1 a crime, but their facts are wrong. How would you
2 approach that with the witness?

3 A Well, I'd let them give me an explanation
4 of what they are talking about, let them give me
5 an account of what happened. And if it's obvious
6 that it's not right, you know, first I'm going to
7 let them give me an account of what they know.
8 And then it's up to me to try to determine if
9 those facts are true or not, if they match up or,
10 you know.

11 You know, like, for instance, we might
12 have multiple suspects in. And this person is
13 talking to one, and somebody else is talking to
14 somebody else. You let them give their account
15 of what they're saying.

16 Q Uh-huh.

17 A And then we might come out and say: You
18 know, mine said that it happened, you know, this
19 way. Mine says it happened here. And now you're
20 going to try -- they're both at the same place,
21 both giving the same account. You want to try to
22 find out what isn't right. If that's what you're
23 talking about; I'm not sure.

24 Q Would you ever attempt to corroborate

1 factual allegations that a witness would give you
2 about a crime?

3 A Corroborate it with whom?

4 Q Just, let's say corroborate it just with
5 facts that you could glean, right? Did you ever
6 try to -- for example, if a witness said, "I was
7 on the third floor of such and such building,"
8 would you ever check and see if there is a third
9 floor on that building, for example?

10 A I suppose.

11 Q Yeah. Corroborate things that the witness
12 tells you to see whether or not they are credible?

13 A Yes.

14 Q Have you ever taken witness statements,
15 written statements?

16 A Yes.

17 Q And were there policies and procedures at
18 the Rockford Police Department regarding taking
19 witness statements?

20 A As far as what?

21 Q The process, how to do it properly?

22 A Yes, I'm sure there was.

23 Q Do you recall what those were?

24 A Just what I learned from when I got in

1 there, how you take a typed statement and stuff;
2 at the time when I was in there, there was -- we
3 didn't videotape or record. Everything was
4 just -- you'd interview them, whatever, and then
5 type up the statement. And other than that, I
6 don't -- I think that's pretty much it.

7 Q So walk me through the process of
8 interviewing someone and typing their statement.

9 A Okay. If I was starting with you, and
10 like today I would ask you: Okay, what time did
11 you leave the hotel this morning to come here?
12 You want to tell me? And then I would say: Okay,
13 8:00. I would type that down. Tell me what you
14 did then. Park, come down here, and you parked
15 in the parking lot. I would type that down. You
16 know, if you said, if that's what you told me,
17 I would type that down. Then I would read it back
18 to you as we go. Is that correct? Yes. Okay.
19 Then what did you do from there? I came in here
20 and I put my folders on the desk and I got
21 prepared for this deposition. I would type that
22 down. I'd read it back to you. Is that correct?
23 Yes. And I would go like this through the whole
24 day or however long you're going to do this.

1 And then when it was all done, then I
2 would go back with you on it, and I would have
3 you read your statement. And I would have you
4 put your initials at the beginning and end of each
5 statement as you read it. We would do that
6 through the whole statement. If I had a
7 typographical error or I crossed something out
8 or something weren't right, I'd cross that out.
9 I'd have you initial any X-outs or mistakes.

10 Then when the statement was all done, then
11 I would have you sign your name and put the time
12 on it, the date and the time. And then I would
13 also sign it and put the time down, and whoever
14 else was in there during that statement. Is that
15 what you were asking?

16 Q Yes, thank you. If in the course of
17 someone giving you their statement they were to
18 give a detail that didn't seem plausible, would
19 it be proper for you to suggest to them that they
20 should rethink that; that it didn't seem -- you
21 know, or ask them again to see if they could give
22 you a different answer?

23 A No, at that time I've already talked to
24 them. They've already gave me a verbal account.

1 And now we're taking the typed statement, what
2 they told me. Now, you know, that typed statement
3 is what you're telling me. I'm not putting
4 nothing down. All I'm doing is typing. You're
5 telling me what you want there. And, you know,
6 if it's -- aside from that, I don't know what else
7 to tell you.

8 Q So it would be improper for you to make
9 suggestions to a witness while you were typing the
10 statement; that before you typed what they said,
11 that the statement they're giving you doesn't make
12 sense?

13 MR. IASPARRO: Object to form; but if you
14 understand, you can answer.

15 BY MS. TINGSTAD:

16 Q Uh-huh. It would be improper to feed
17 information to a witness, for example?

18 MR. IASPARRO: Same objection.

19 BY MS. TINGSTAD:

20 Q Would that be improper?

21 A For me to tell them what to say?

22 Q Yes.

23 A Yes, I would never do that.

24 Q You said that before you would start

1 typing a statement, you would interview a witness.
2 It would be something -- you've already
3 interviewed them, and they've already given you
4 a verbal account; and then you move into the typed
5 statement --

6 A Yes.

7 Q -- correct? So prior to moving into the
8 typed statement, you would have discussed all of
9 the details that eventually end up into the typed
10 statement, correct?

11 A That's correct.

12 Q So during the interview portion while a
13 witness is recounting details to you; if they
14 give you a detail that doesn't comport with your
15 knowledge of the case, would it be proper for
16 you to suggest that they rethink that?

17 A Are you talking about after the Mirandize
18 and you're talking to them now about the offense?

19 Q Yes.

20 A Sure.

21 Q It would be improper?

22 A No, it would not.

23 Q It would not?

24 A No, if I knew you were blatantly lying to

1 me about something; like, "I just drove in from
2 Chicago." Well, I know that isn't the truth
3 because you just told me you came from a hotel
4 here in Rockford. And I'll say: "Well, you're
5 not being truthful with me; you're not being
6 honest. You just got done telling me that you
7 came from Rockford, not Chicago," something like
8 that. Sure, you'd confront them on that.

9 Q So during the interview or the
10 interrogation prior to typing up a statement,
11 you might have a back-and-forth with a witness
12 regarding statements they're making that you
13 believe to be false?

14 A Yes.

15 Q You gave an example of me making two
16 conflicting statements just now. Would you also
17 confront a witness with -- in the same way if
18 they gave a statement that didn't comport with
19 what you thought had happened in a case?

20 MR. IASPARRO: Object to form.

21 MS. TINGSTAD: Yeah.

22 MR. IASPARRO: If you understand --

23 MS. TINGSTAD: Yeah.

24 MR. IASPARRO: -- you can answer.

1 BY MS. TINGSTAD:

2 Q I can rephrase it if it's confusing.

3 A If you're asking: Would I question it?
4 Sure, I would, absolutely.

5 Q So if you had a theory of how events
6 transpired and the witness was giving you
7 something else, you would confront them with that
8 and question that?

9 MR. IASPARRO: Object to form and
10 foundation.

11 BY MS. TINGSTAD:

12 Q What's your answer?

13 A Yes.

14 Q And that process is consistent with your
15 training?

16 A Yes.

17 Q When you would conduct investigations in
18 the detective bureau, did you share information
19 between detectives working on the case?

20 A Say that again, please.

21 Q So criminal investigations often involve
22 the work of more than one detective, correct?

23 A Absolutely.

24 Q You'll have several detectives working on

1 one investigation. Did detectives doing different
2 things share information with each other?

3 A Yes.

4 Q And how would that happen typically?

5 A Well, most investigations -- let's take,
6 like, Sergeant Pirages. He would be in charge.
7 He would assign the detectives to whatever task
8 he wanted them to do. Detective Pirages would --
9 or Sergeant Pirages would have what they call the
10 lead sheet. He'd fill out stuff. Here's the
11 crime. This is what we got. This needs to be
12 done. This needs to be done, whether it be a
13 neighborhood search or things like that; or, you
14 know, we need to pick up this or do that.

15 And he would assign detectives to do the
16 various tasks. Like, if I was -- you know, he'd
17 assign me to be with somebody else. Like, this
18 particular case was Howard Forrester's case.
19 He was assigned to it. This was his case. I was
20 assigned to assist on different things, as other
21 detectives were.

22 Some detectives did the search warrant.
23 Some detectives did follow-up on weapons and cars
24 and different -- there's a bunch of different

1 things going on. And, yes, we'd get together and
2 find out what's going on with, you know, each part
3 of it, sure.

4 Q And you'd get together how often?

5 A Be up to supervisors.

6 Q You said that in this particular case,
7 in the Ascher homicide investigation, you were
8 not the case detective. It was Forrester's case?

9 A That's correct.

10 Q As a detective that was assigned to assist
11 Forrester, would you also get copies of the
12 various reports that were being written up as the
13 investigation proceeded?

14 A Well, I don't know if I -- it depended
15 if they were done. You know, sometimes -- you
16 know, you did all these different things, and
17 then you typed the report up at a later time.
18 And then the reports would go in to Sergeant
19 Pirages or whoever, and they would kind of
20 maintain everything. You know, but would we
21 talk about it? Sure.

22 Q You would talk about it. You wouldn't
23 necessarily have the reports that other detectives
24 had written in your --

1 A If you're -- you might. If I'm assigned
2 it, I might have the original report --

3 Q Uh-huh.

4 A -- from the original incident. And
5 then from there it would branch out. All the
6 supplement reports that other people did;
7 everybody that did anything is going to leave a
8 report, especially if it's a serious crime.

9 They're going to -- you know, if you've
10 got five officers that arrived at the scene, those
11 five officers are going to leave a report of what
12 they did when they got there, what they saw, what
13 they heard. If they went door to door checking
14 for witnesses or whatever function that they did,
15 they're going to leave a report.

16 And then once the reports are in, the
17 lead detective would get those reports because
18 he's the one following up on everything. He's
19 got more things. I might be assigned to assist
20 in the interview. I might be assigned to do a
21 neighborhood check. And, you know, it all
22 depends.

23 The supervisor is going to assign me
24 whatever he wants me to do. And if something else

1 comes up that they need, whoever is available is
2 going to get assigned to that.

3 Q So when you were assigned to assist and
4 take on a task in an ongoing investigation, before
5 you would jump into that task did you get briefed
6 by other detectives or the lead detective
7 regarding developments that had occurred in the
8 case?

9 A Yes.

10 Q So you would get up to speed before you
11 would take on your next investigative task?

12 A Well, you would discuss what you're going,
13 you know.

14 Q Okay.

15 A You didn't just go in blind. You know,
16 sure, you would discuss it.

17 Q So is it fair to say that information
18 sharing happened in real time, would you say, with
19 regard to developments in a case or an
20 investigation?

21 MR. IASPARRO: Object to form.

22 BY MS. TINGSTAD:

23 Q Is it fair to say that developments that
24 were occurring with regard to an investigation

1 would be shared between the investigating
2 detectives in real time?

3 A It depends on what your assignment was.
4 I didn't know what all Howard was doing because
5 it's his case. We all had -- you know, this was
6 one case out of many. Everybody has got their own
7 cases that they're doing, too. This particular
8 case is Howard's. When he needed assistance with
9 anything or if Sergeant Pirages said, "We need
10 this done or that done," he would assign various
11 people to do things.

12 If Howard was talking to somebody else,
13 I'm not going to know that, you know. Down the
14 road, you know, when the proceedings start, you're
15 going to have reports and stuff like that.

16 Q Uh-huh.

17 A But there's a lot of times where if I'm
18 not involved in it, I have not a clue what he's
19 doing.

20 Q If you're not involved in it?

21 A Correct.

22 Q When you get involved you get up to speed?

23 A Right.

24 Q Yeah. I want to go back to a question

1 that I had regarding the interrogation that would
2 precede a written statement being taken. You said
3 that you would confront a witness during that
4 interrogation if you thought that what they were
5 saying was false for any reason. When you
6 confronted the witness, would you simply say --
7 strike that.

8 Would you ever suggest to the witness what
9 you thought to be the truth?

10 A I could.

11 Q And that was -- that wouldn't be improper
12 for you to suggest to the witness a fact that the
13 witness hadn't given you?

14 MR. IASPARRO: I object to form, but if
15 you understand.

16 THE WITNESS: You'd have to reword that.
17 I'm --

18 BY MS. TINGSTAD:

19 Q Uh-huh.

20 A -- not sure I know what you're --

21 Q So if a witness gave you information
22 that you thought was false, you could respond by
23 suggesting or confronting them with what you
24 believed to be true, even if that was a fact that

1 the witness had not given you? It was a fact that
2 you knew -- well, just forget that last part.

3 A If she told -- or if somebody told me
4 something that I know isn't true, I would probably
5 tell them: That's not true.

6 Q That's not true; and would you -- would it
7 be proper for you to then say, "Isn't it true,
8 XYZ," this other thing that the witness had not
9 said?

10 A I'm not sure I know what you're saying.

11 Q Yeah. So if a witness tells you: The
12 perpetrator was wearing a red sweater; and would
13 it be proper for you to say: You're not telling
14 me the truth; the sweater was brown, wasn't it?
15 Would it be proper for you to say that --

16 A It could. I --

17 Q -- in an interrogation?

18 A It could be.

19 Q You wouldn't consider that to be feeding
20 information to the witness that they didn't
21 already know?

22 MR. IASPARRO: Object to form.

23 BY MS. TINGSTAD:

24 Q Can you answer verbally?

1 A No.

2 Q So if you were to suggest a different
3 detail than the one that a witness had given you,
4 that wouldn't violate any policy or procedure of
5 the Rockford Police Department?

6 MR. IASPARRO: Form and foundation.

7 BY MS. TINGSTAD:

8 Q To restate what we just discussed:
9 If during the course of an interrogation a witness
10 gives you a detail and you were to suggest a
11 different detail, that would be proper pursuant
12 to your training and work at the Rockford Police
13 Department?

14 MR. IASPARRO: Form and foundation.

15 MR. MOGBANA: I'll join the objection.

16 MR. IASPARRO: If you understand that, you
17 can answer it.

18 THE WITNESS: Not really, I'm --

19 BY MS. TINGSTAD:

20 Q Okay. It wouldn't be improper for you to
21 suggest a different detail from the one that was
22 given to you by a witness in an interrogation?

23 MR. IASPARRO: Form and foundation.

24 MR. MOGBANA: I'll join.

1 BY MS. TINGSTAD:

2 Q You can answer.

3 A Are you trying -- you mean for me to give
4 them facts that I want them to tell me?

5 Q Well, it's really -- yes, for you to give
6 them facts that you know or that you believe to be
7 true, but that the witness isn't giving you?

8 MR. IASPARRO: I don't understand the
9 question.

10 MS. TINGSTAD: Uh-huh.

11 MR. IASPARRO: It would not be improper
12 because I think that was the way you started the
13 question. So I think it's a little confusing.

14 MS. TINGSTAD: Got it. We'll restart.

15 Q Would it be proper for you to -- for
16 example, if a witness says, "The person was
17 wearing a brown coat," and you believe that to be
18 a false statement -- for you to confront them and
19 say, "Actually, you're not telling me the truth;
20 the coat was black, wasn't it?" Would that be
21 proper?

22 MR. IASPARRO: That particular example.

23 THE WITNESS: Yes, I think it would be.

24 BY MS. TINGSTAD:

1 Q More generally, would it be proper for
2 if a witness gives you information, to give them
3 a detail that you believed -- no, strike that.

4 Would it be proper for you to suggest a
5 different detail from a witness who's given you a
6 conflicting account?

7 MR. IASPARRO: Form; foundation;
8 incomplete hypothetical.

9 MR. MOGBANA: I'll join.

10 MR. IASPARRO: If you understand, you can
11 answer.

12 THE WITNESS: Yeah, I don't.

13 BY MS. TINGSTAD:

14 Q Okay. We'll move on. Were there policies
15 and procedures at the Rockford Police Department
16 regarding how to question witnesses aside from the
17 training that you had at the Reids School?

18 A Written policies? I don't recall.

19 Q Uh-huh. Was it your understanding that it
20 was proper in an interview to suggest details to
21 the person you were interviewing?

22 MR. IASPARRO: Object to form and
23 foundation.

24 MR. MOGBANA: Join.

1 THE WITNESS: I don't know.

2 BY MS. TINGSTAD:

3 Q You don't know whether that would be
4 proper?

5 A I'm not sure I know what you're asking,
6 so.

7 Q Uh-huh, okay. Let's talk about report
8 writing. You mentioned that all the different
9 detectives who would be investigating a crime
10 would do their work and then write reports
11 sometimes after the fact. Those would be
12 submitted to the sergeant. What triggered the
13 requirement to write a report?

14 A What triggered it?

15 Q Uh-huh. Did you have to write a report
16 about everything you did?

17 A If it was -- for an example, there might
18 be -- if I worked with this detective on
19 something, he might cover me in his report
20 instead of duplicating the exact same thing, okay.

21 I don't know how to explain it to you.
22 You know, reports that I did by myself or
23 assignments that I had; like, if I did a
24 neighborhood search, that's on me. I'm going

1 to list everything that I did and leave a report.
2 That's what I was assigned to do. If me and
3 another officer are assigned to do something, we
4 might not both leave a report on the same thing.
5 You might be covered in their report. If that's
6 what you're asking, I'm not sure I --

7 Q Was there a written policy regarding --
8 regarding that?

9 A A written policy?

10 Q Uh-huh.

11 A About a report?

12 Q Regarding when you were required to write
13 a report?

14 A That would have been -- a supervisor would
15 have said: I need a report on this.

16 Q Uh-huh.

17 A Okay. Whoever is doing it, if -- like,
18 I'll just -- the only thing I can think of is,
19 I'll give an example. Say Sergeant Pirages
20 stopped by the COM center and picked up the tape
21 of the 911 call.

22 Q Uh-huh.

23 A Okay. Did he leave a report on that? No,
24 he might have given it to me to tag into evidence;

1 and then I'm going to cover that in my report.
2 He didn't need to leave a report on that because
3 it's covered, if that clarifies anything.

4 Q If you performed any significant
5 investigative tasks, is it your understanding that
6 you were required to write a report about those
7 tasks?

8 A Somebody would, yes.

9 Q Somebody would. It wouldn't need to be
10 you if you were the one who performed the tasks?

11 A Like I said, if you were -- if you and
12 somebody else are working together, that one of
13 you are going to leave a report.

14 Q But both are not required --

15 A Right.

16 Q -- to leave a report?

17 A Right. Like, for a statement; if me and
18 another person are assigned to take a statement
19 and we're in there in the interview room, it's all
20 going to be covered in the report. One person is
21 going to lead that report. It might be me; it
22 might be somebody else. One of you is going to
23 leave a report. There is no point in having both
24 of you leaving a report to cover the same thing,

1 if that's what you're asking.

2 Q Why is there no point to it? Wouldn't
3 both people have different perspectives?

4 A I -- that's just the way it is.

5 Q That's the way that it worked at the
6 police department?

7 A Right. If my supervisor determined that
8 I needed to leave a report also on something, then
9 he would tell me: Leave a report on that.

10 Q He would tell you?

11 A Yes.

12 Q Okay. So if he saw a report from one
13 officer who completed investigative tasks and you
14 were mentioned in that report, he may not ask you
15 to complete a report as well?

16 A That's correct.

17 Q What sorts of things should be -- what
18 sort of details should be included in a police
19 report about interviewing a witness?

20 A What you covered.

21 Q What do you mean by that?

22 A You're going to leave a report on what you
23 talked to them about, and what they had to say
24 about it.

1 Q Would you record any of that
2 back-and-forth that we discussed that sometimes
3 happens in an interrogation where a person says
4 one thing; you push back and say: "That's not
5 true; didn't it happen this way"? Would you
6 record that back-and-forth in a police report?

7 A No. You mean, like, if: I didn't do it.
8 Yes, you did. No, I didn't; that kind of stuff?
9 No, that would be a pretty interesting report to
10 read.

11 Q So you wouldn't include in the report the
12 back-and-forth and that -- of the interrogation
13 that eventually led to whatever the witness
14 statement or the defendant statement ended up
15 being? You would just record the end result?

16 A Not necessarily, it depends.

17 Q What would it depend on?

18 A It would depend on what transpired during
19 that.

20 Q So give me an example of a situation
21 where you would record the back-and-forth of an
22 interrogation where a witness says one thing, and
23 you push back.

24 MR. IASPARRO: I object to form.

1 THE WITNESS: Yeah, I don't know.

2 BY MS. TINGSTAD:

3 Q But sometimes that would go into a police
4 report, is what you said?

5 A It depended. You know, every one is
6 different. I wouldn't have a clue, you know, what
7 to say hypothetically about every --

8 Q Uh-huh.

9 A -- situation that could come up.

10 Q Did you ever say in an interview or in an
11 interrogation: "You know, if you work with us,
12 we'll try to help you"? Did you ever say anything
13 like that in an interrogation?

14 MR. IASPARRO: Object to form.

15 THE WITNESS: I'm sure. I'm sure it's
16 happened.

17 BY MS. TINGSTAD:

18 Q Would you record something like that in a
19 police report about the interrogation?

20 A I might.

21 Q You might. If you said things to a person
22 you were interviewing, like: "You're in a lot of
23 trouble," or, "If you don't work with us, this
24 might happen"; if you ever made comments like that

1 in an interrogation, would it end up in a police
2 report?

3 MR. IASPARRO: Form; foundation.

4 THE WITNESS: I'd have to know specifics
5 on what you're talking about on that one.

6 BY MS. TINGSTAD:

7 Q Is it fair to say that a lot of the
8 back-and-forth that might happen in an
9 interrogation may not end up in a police report
10 describing that interrogation?

11 A Yes.

12 Q Would the witness's demeanor end up in a
13 police report?

14 A It could.

15 Q Or it might not?

16 A It might not.

17 Q Did you review any documents in
18 preparation for this deposition today?

19 A Have I? Yes.

20 Q What have you reviewed?

21 A Reports concerning this case.

22 Q How many reports did you review?

23 A Oh, my God, a lot.

24 Q A lot; were they -- do you recall whether

1 those documents were marked with a Bates at the
2 bottom with your name, "Schmidt," and a number?

3 A Some of them.

4 Q Uh-huh. Did you review reports other than
5 the reports that you drafted?

6 A Yes.

7 Q Did you have any conversations with anyone
8 other than your attorney in preparation for your
9 deposition today?

10 A No.

11 Q Did you talk about this case with anyone
12 else?

13 A No.

14 Q Did you send any e-mails or text messages
15 to anyone regarding this case?

16 A No.

17 Q Did you review documents prior to giving
18 your testimony? And let me stop -- strike that.
19 You also gave testimony in court in 2018 --

20 A Yes.

21 Q -- regarding this case? Did you review
22 documents in preparation for that testimony?

23 A Yes.

24 Q Did you talk to anyone before you gave

1 that testimony about this case?

2 A No.

3 Q Just a few more questions about the
4 process of interrogating someone: If you were
5 to talk or provide to the person that you're
6 interrogating, facts surrounding a crime that you
7 want them to talk about, would that be improper?

8 MR. IASPARRO: Object to form and
9 foundation.

10 MR. MOGBANA: Join.

11 THE WITNESS: It depends on what it is.

12 BY MS. TINGSTAD:

13 Q Would it be proper for -- if you bring
14 someone in and you want them to tell you about
15 an armed robbery -- would it be proper for you
16 to tell them about the armed robbery?

17 MR. IASPARRO: Object to form and
18 foundation.

19 MR. MOGBANA: Join.

20 BY MS. TINGSTAD:

21 Q You can answer. Before you started asking
22 them questions, for example?

23 A If I'm talking to somebody about an armed
24 robbery, am I going to mention that there was an

1 armed robbery? Yeah.

2 Q Well, no, tell them the date, the time,
3 the location, basic facts about the crime.
4 Would it be improper for you to give them that
5 information before you started asking questions?

6 A I might ask them, you know: Where were
7 you at, at this date and time? You know, what
8 did you do? You know, things like that; you got
9 to get into the -- you know, what you're talking
10 about.

11 Q Uh-huh.

12 A People don't just come in and go: "Yes,
13 I did that and this is why I did it." And, you
14 know, you know, a lot of times they come in and
15 they deny. You're going to talk to them. It
16 depends on what you have on them. You know, you
17 might have fingerprints. You might have other
18 evidence to -- that you can corroborate stuff
19 with.

20 Q Uh-huh.

21 A So, you know, all of it depends on what
22 you have and what you know about it.

23 Q So if you have some evidence already
24 regarding a person's involvement in a crime, you

1 might push harder when you're questioning them?

2 MR. IASPARRO: Object to form and
3 foundation.

4 MR. MOGBANA: Join.

5 THE WITNESS: I don't know about push
6 harder.

7 BY MS. TINGSTAD:

8 Q Uh-huh.

9 A You might question them on it.

10 Q Uh-huh. Would you ever, in the course
11 of that interrogation, say: We have this
12 information already?

13 MR. IASPARRO: Form and foundation.

14 MR. MOGBANA: Join.

15 THE WITNESS: I could.

16 BY MS. TINGSTAD:

17 Q Before any investigations into the Ascher
18 homicide, did you know Patrick Pursley?

19 A No.

20 Q Did you know of him?

21 A No.

22 Q Had you worked with Detective Forrester
23 before on investigations?

24 A Oh, I'm sure during the course of things,

1 you know, we -- you know, we have worked together.
2 There is ten of us in the unit --

3 Q Uh-huh.

4 A -- at that time. There is ten detectives
5 for all the aggravated battery, all crimes against
6 persons and sex crimes at that time, homicides,
7 violent crimes against persons and so on. So
8 there is a lot of interaction between us. You
9 know, we -- if you got to go out and pick up
10 somebody, you know, Sergeant Pirages might say:
11 "You two go out and do this," or, "You two go
12 do that" or whatever.

13 It just all depends, you know, where
14 you're at and what the situation is. If you don't
15 have a heavy caseload, you might get more than
16 this guy does that has got a bunch of cases going
17 and stuff, so.

18 Q Was Detective Forrester senior to you?

19 A Oh, yes.

20 Q Was he the most senior detective in the
21 violent crimes unit?

22 A At that time I believe he was.

23 Q And you were a fairly junior detective in
24 the violent crimes unit?

1 A Pretty -- pretty new.

2 Q And you had worked with Detective
3 Forrester on other investigations prior to the
4 Ascher homicide?

5 A Yeah, sure.

6 Q Would you, as a junior detective, be
7 assigned as a case detective on some crimes; or
8 is that something that was left to the senior
9 detectives?

10 A Well, it depended. It was up to my
11 supervisor. If he -- if he assigned me a case,
12 then that's my case, you know.

13 Q Uh-huh.

14 A And I might have other detectives
15 assisting me --

16 Q Uh-huh.

17 A -- you know, to do various things,
18 interviews and whatever it is you're trying to
19 accomplish. That's all. You know, supervisor
20 will tell you what to do. So, you know, it wasn't
21 like Howard would come in and say, "Hey, Mark,
22 I need you to come with me and do this," you know.
23 Sergeant Price (sic) would have said, "Get Mark
24 and you guys go do this," or vice versa.

1 You know, if he needed something, you know, minor,
2 you know, he might say: "Mark, can you grab me
3 this or do that"; but anything that's -- if it's
4 assigned, it's going to be assigned by Sergeant
5 Pirages or whoever is in charge at that time.

6 Q You said that Detective Forrester was the
7 case detective on the Pursley investigation --

8 A Yes.

9 Q -- or the Andrew Ascher investigation.
10 Was there another case detective on that
11 investigation?

12 A Well, all of us were assisting in it.

13 Q Assisting, but, I mean --

14 A No --

15 Q -- whose case it was?

16 A -- that would have been his case.

17 Q Bruce Scott wouldn't be sharing that with
18 him?

19 A Bruce was also assisting. Bruce had
20 different functions in that. Like, for example,
21 Howard Forrester, it's his case. He obtained the
22 search warrant. He filed the affidavit for the
23 search warrant, obtained that. Detective Scott
24 went out and served the search warrant while

1 Detective Forrester was doing other things.
2 Detective Scott happened to be -- I'm assuming,
3 when the Crimestopper call came in, Howard
4 Forrester was assigned to go and talk to that;
5 and Detective Scott went with him to the
6 Crimestopper office when they received that call.
7 I'll guarantee you, somebody assigned him to do
8 that. So that -- you know, if that's what you're
9 asking, you know, everybody had assignments that
10 they were done. But the supervisor, who had the
11 lead sheet, knew what needed to be done, what
12 needed to be followed up on; he would assign
13 people, just like when this call came in. Myself,
14 the reason I got it and Bruce Scott got it and
15 Forrester got it, was because we were all there
16 to do a part-time job. We were going out on a
17 part-time job. Then this came in, so.

18 Q What do you mean by a part-time job?

19 A I was going to work an off-duty job.

20 Q The three of you were together doing an
21 off-duty job?

22 A Well, according to the reports, that's --
23 you know, we weren't -- we were at the station.
24 We were getting ready to go do something. Since

1 we were there when that -- the call came in,
2 Sergeant Pirages said: Okay, you three guys,
3 since you're here -- me and -- he directed myself
4 and Detective Forrester to go to the scene. And
5 he assigned Detective Scott to go to the hospital
6 where the victim was en route there, and the
7 victim's girlfriend. We were assigned to do that.

8 Q Uh-huh.

9 A So --

10 Q You said you were going to do an off-duty
11 job. What is an off-duty job? What does that
12 mean?

13 A Be like if I was going to go direct
14 traffic here. Maybe I was going to go work.
15 It's an off-duty job that -- you know, where
16 policemen are needed. You know, at that time
17 I don't know what it was. I have no idea.
18 I don't recall; but, you know, there is police
19 officers that work schools, you know, like, for
20 football and basketball games, wrestling matches,
21 a number of things like that, so.

22 Q In the course of the investigation of the
23 Andrew Ascher murder, when Patrick Pursley was
24 named as a suspect, did you ever talk with

1 Detective Forrester about Patrick Pursley?

2 A In what regards?

3 Q With regard to --

4 A Did I know that eventually he was named as
5 a suspect in this?

6 Q Sure.

7 A Yeah.

8 Q Yes. Did you ever talk to Detective
9 Forrester about any interactions he had with
10 Patrick Pursley prior to him being named a
11 suspect?

12 A No.

13 Q Detective Forrester never told you that
14 Patrick Pursley ever touched him in the
15 courthouse? He never told you that?

16 A That?

17 Q That Patrick Pursley touched him one time
18 in the courthouse?

19 A No.

20 Q He never told you that? Did he ever tell
21 you that -- so he never told you how he felt about
22 Patrick Pursley?

23 A No.

24 MR. IASPARRO: Do you need a break?

1 THE WITNESS: Pretty soon.

2 MR. IASPARRO: Okay.

3 MS. TINGSTAD: I think it's a good time to
4 take a break.

5 (A brief recess was taken commencing at
6 10:27 a.m. and concluding at 10:45 a.m.)

7 (Ms. Keen joins the deposition proceedings
8 via telephone.)

9 MS. TINGSTAD: Okay. I guess we're ready
10 to go back on record.

11 Q Mr. Schmidt, how many interviews have you
12 done over the course of your tenure as a police
13 officer?

14 A I would have no way of --

15 Q Is it in the order of thousands?

16 A Could be, 32 years. You know, not all --
17 you know, did some interviews as patrolman, you
18 know. Follow up on stuff that we get; you're the
19 first one on the scene and stuff. So I would have
20 no way of knowing exactly.

21 Q You've conducted a lot of interviews?

22 A Yes.

23 Q You've conducted a lot of interrogations
24 as well. When conducting an interrogation were

1 you allowed to give the witness facts about the
2 case that were publicly known?

3 MR. IASPARRO: Object to form.

4 THE WITNESS: It depended on the
5 situation.

6 BY MS. TINGSTAD:

7 Q What did it depend on?

8 A I don't know.

9 Q What factors did it depend on for whether
10 or not you were allowed to give a witness facts
11 about a case that were publicly known?

12 MR. IASPARRO: Foundation.

13 BY MS. TINGSTAD:

14 Q Were you trained with regard to whether or
15 not you could give a witness facts during an
16 interrogation?

17 A What do you mean: give them facts?

18 Q Give them facts about whatever you're
19 investigating that are publicly known?

20 MR. IASPARRO: Foundation.

21 BY MS. TINGSTAD:

22 Q Were you allowed to give a witness facts
23 about the case as you interrogated them?

24 MR. IASPARRO: Same objection.

1 BY MS. TINGSTAD:

2 Q Facts that the witness didn't give to you?

3 MR. IASPARRO: Same objection.

4 THE WITNESS: I don't know.

5 BY MS. TINGSTAD:

6 Q You don't know whether or not that was
7 allowed?

8 A I don't think there is anything set that
9 this ain't allowed, but this is; and, you know,
10 it all depended on the situation. I don't know.

11 Q What kind of situation would allow you to
12 give a witness facts about a case --

13 A I don't know.

14 Q -- and --

15 A I don't remember.

16 Q Were you allowed to give a witness facts
17 that were not publicly known in an interrogation?

18 MR. IASPARRO: Foundation.

19 THE WITNESS: Be the same thing. Depend
20 on -- you know, you'd have to be more specific
21 than that. I don't know.

22 BY MS. TINGSTAD:

23 Q You don't know whether or not you were
24 allowed to give a witness facts that were not

1 publicly known during an interrogation?

2 MR. IASPARRO: Form and foundation.

3 BY MS. TINGSTAD:

4 Q Yes or no?

5 A I don't know.

6 Q When conducting an interrogation were you
7 allowed to tell the witness they would go to jail
8 if they don't cooperate?

9 MR. IASPARRO: Form.

10 THE WITNESS: A witness?

11 BY MS. TINGSTAD:

12 Q Yes.

13 A I don't know why you would do that.

14 Q Were you allowed to tell the person you
15 were interviewing that they would go to jail if
16 they didn't cooperate?

17 MR. IASPARRO: I object to foundation.
18 The word "allowed" is -- what does that mean?
19 It hasn't been established. Allowed by whom,
20 by what?

21 MS. TINGSTAD: I've asked the witness
22 about whether or not he received training, what
23 kinds of policies and procedures were governed
24 at the Rockford City Police Department regarding

1 the conduct of interrogations and interviews.

2 Q And your testimony was that the policies,
3 as you understood them, you gleaned from learning
4 them from other officers. There was nothing
5 written down?

6 MR. IASPARRO: Object to form and
7 foundation; misstates the prior testimony.

8 THE WITNESS: I don't recall if there was
9 anything written regarding that. It's been a long
10 time. I have -- I don't know.

11 BY MS. TINGSTAD:

12 Q With regard to the practices at the
13 Rockford Police Department, was it your
14 understanding that you were allowed to tell a
15 person you were interviewing that they would go
16 to jail if they didn't cooperate?

17 MR. IASPARRO: So that question is limited
18 to the practices of the Rockford Police
19 Department?

20 MS. TINGSTAD: Yes.

21 MR. IASPARRO: If you understand the
22 question, you can answer. I object to foundation
23 but --

24 THE WITNESS: Yes.

1 BY MS. TINGSTAD:

2 Q You were allowed to say that. With
3 regard to the practices at the Rockford Police
4 Department, as you understood them, were you
5 allowed to threaten a witness when you were
6 interrogating them?

7 MR. IASPARRO: Same objection; foundation.

8 MR. MOGBANA: Join.

9 THE WITNESS: What do you mean, "threaten
10 them"?

11 BY MS. TINGSTAD:

12 Q You were a police officer. You don't know
13 what the word "threaten" means?

14 A Yeah, I don't know what you mean by that.
15 What do you mean by "threaten"?

16 Q As a police officer, your testimony right
17 now is that you do not know what the word
18 "threaten" means?

19 MR. IASPARRO: That's not what he said.

20 MR. POTTINGER: It's argumentative, too.

21 THE WITNESS: I know what my
22 interpretation --

23 MR. MOGBANA: Objection; mischaracterizes
24 his testimony.

1 BY MS. TINGSTAD:

2 Q Was it your understanding that you could
3 threaten a witness with jail time for not
4 cooperating --

5 MR. IASPARRO: Form and foundation.

6 MR. MOGBANA: Join.

7 BY MS. TINGSTAD:

8 Q -- pursuant to the policies and practices
9 of the Rockford Police Department?

10 MR. IASPARRO: Same objection.

11 MR. MOGBANA: Join.

12 THE WITNESS: I can't speak for everybody.
13 Me, I never threatened nobody. So, you know,
14 would I threaten somebody? No. I don't know what
15 else to tell you on that.

16 BY MS. TINGSTAD:

17 Q And what is your -- what does "threaten"
18 mean to you?

19 A Threaten would be, like: If you don't
20 tell me, I'm going to beat the shit out of you.

21 Q So you're referring to physical threats?

22 A I thought that's what you were talking
23 about.

24 Q When conducting an interrogation pursuant

1 to your understandings of the practices at the
2 Rockford Police Department, were you allowed to
3 slam your fist on the table?

4 MR. IASPARRO: Form and foundation.

5 BY MS. TINGSTAD:

6 Q Yes or no?

7 A It happened, sure.

8 Q So, yes?

9 A Yeah.

10 Q Were you allowed to raise your voice?

11 MR. IASPARRO: Same objection; this is
12 limited to practices of the Rockford Police
13 Department?

14 MS. TINGSTAD: Policies and practices of
15 the Rockford Police Department.

16 MR. IASPARRO: Form and foundation; we
17 haven't established which policies we're talking
18 about. You haven't put a single policy in front
19 of him.

20 MS. TINGSTAD: I've asked him about the
21 policies and practices, and he said that they
22 weren't written down.

23 THE WITNESS: I said I don't recall if
24 they were. I have no idea if they were written.

1 It's been a long time since I've been there, so.

2 BY MS. TINGSTAD:

3 Q Is it your understanding that you were
4 allowed, in the course of conducting hundreds of
5 interrogations, to raise your voice?

6 MR. IASPARRO: Again, allowed by whom or
7 what? What are we talking about?

8 BY MS. TINGSTAD:

9 Q Would it have been proper for you, as a
10 Rockford police officer, to raise your voice
11 during an interrogation: yes or no?

12 MR. IASPARRO: Object to form and
13 foundation; "proper" according to what or whom?

14 BY MS. TINGSTAD:

15 Q Were you allowed to do that?

16 MR. IASPARRO: By whom? By what?

17 BY MS. TINGSTAD:

18 Q By your sergeant?

19 MR. MOGBANA: Objection; form.

20 MR. IASPARRO: I agree.

21 THE WITNESS: I don't know what to say
22 to that. If you're asking me: Have I ever raised
23 my voice; I'm sure I have. If you're asking me
24 if, you know, that was what they wanted me to do,

1 there is -- no, there is times you might raise
2 your voice to talk over them because they're
3 yelling or something to that effect. I don't know
4 what the circumstance was.

5 BY MS. TINGSTAD:

6 Q When conducting an interrogation pursuant
7 to the policies and practices of the Rockford
8 Police Department, were you allowed to tell a
9 witness that you wanted them to implicate a
10 certain person?

11 MR. IASPARRO: Object to form and
12 foundation; which policies?

13 MR. MOGBANA: Join.

14 BY MS. TINGSTAD:

15 Q You can answer.

16 MR. IASPARRO: Do you understand the
17 question?

18 THE WITNESS: I think so. I'm not sure,
19 but it -- if you're talking about multiple
20 suspects, yeah, you probably would ask.

21 BY MS. TINGSTAD:

22 Q You would -- you could tell the witness
23 that you wanted them to implicate a certain
24 person? Yes? Is that your answer?

1 MR. IASPARRO: Form and foundation.

2 THE WITNESS: Do I want them to implicate
3 them? No, I just want them to tell me what
4 happened and tell me the truth. If, you know,
5 somebody else is involved, yeah, tell me about
6 that; not -- you know, but just to pick somebody
7 out and implicate this or that, I -- no.

8 BY MS. TINGSTAD:

9 Q So you could name the suspect that you had
10 and ask for -- ask the witness for information
11 implicating that suspect?

12 MR. MOGBANA: Objection; form.

13 MR. IASPARRO: Objection; form and
14 foundation.

15 MR. MOGBANA: Also, the question is vague.

16 BY MS. TINGSTAD:

17 Q When conducting an interrogation at the
18 Rockford Police Department, were you allowed to
19 tell a witness that they couldn't call a family
20 member?

21 MR. IASPARRO: Form and foundation;
22 allowed by what, by whom?

23 BY MS. TINGSTAD:

24 Q Was that a policy and practice of the

1 Rockford Police Department that you could tell a
2 witness who wanted to make a phone call that they
3 couldn't make a phone call?

4 A Not that I know of, no.

5 Q It's not that you know of; there was no
6 policy or practice?

7 A That you couldn't tell them that -- you
8 know, there was no policy that says, you can't let
9 them make a phone call.

10 Q Or --

11 A That I know of.

12 Q Or you can't prohibit them from making a
13 phone call?

14 MR. IASPARRO: Form and foundation.

15 MR. MOGBANA: Join.

16 BY MS. TINGSTAD:

17 Q I'll ask that question again. When
18 conducting an interrogation pursuant to your
19 practice at the Rockford Police Department, were
20 you allowed to tell -- could you tell a witness
21 that they couldn't call a family member if they
22 asked to call a family member?

23 MR. IASPARRO: Form and foundation; and
24 I think what you just asked him is: Your

1 practice? Is that what you're asking him?

2 MS. TINGSTAD: I just asked him about
3 his practice, yes.

4 MR. IASPARRO: That's the question?

5 MS. TINGSTAD: Yes.

6 MR. IASPARRO: Could you read it back.

7 (Record read.)

8 MR. IASPARRO: Do you understand that?

9 THE WITNESS: I think you could -- you
10 know, if I wanted to let them make a phone call,
11 sure, I could let them make a phone call.

12 BY MS. TINGSTAD:

13 Q And if you wanted to say, "No, you can't
14 make a phone call," you could also do that?

15 A It would depend on the situation. You
16 know, if I'm in the middle of an interview and
17 she wants to call, you know, it would all depend
18 on what the phone call is. I don't know what
19 you're getting at.

20 Q What would it depend on?

21 A I don't know. Give me an example.

22 Q We'll get into examples later. Is it
23 your understanding that there was -- strike that.
24 When conducting an interrogation pursuant to the

1 policy and practice of the Rockford Police
2 Department, were you allowed to tell a witness
3 that you would help them if they cooperated?

4 MR. IASPARRO: Object to form and
5 foundation.

6 MR. MOGBANA: Join.

7 THE WITNESS: Well, again, it would depend
8 on the circumstances.

9 BY MS. TINGSTAD:

10 Q What kind of circumstances would permit
11 you to tell a witness that you would help them if
12 they cooperated?

13 A Give me an example.

14 Q I'm asking for your example. You said
15 it would depend on the circumstances. Give me --
16 what kind of circumstances would allow you to tell
17 a witness that; that they -- that you would help
18 them if they cooperated?

19 A Say they asked. Say they said: Well, if
20 I give you this, you know, can you help me do
21 this? I might tell them: Well, it'll be up to
22 the state's attorney office. We'll review it
23 with them and we'll talk about it. You know, but
24 as far as promising them anything, no, we would

1 never do that.

2 Q Could you promise that you would put in a
3 good word with the state's attorney office?

4 MR. IASPARRO: Form and foundation.

5 MR. MOGBANA: Join.

6 BY MS. TINGSTAD:

7 Q You just said that you might say: It's up
8 to the state's attorney office, but we'll review
9 it with them?

10 A Sure.

11 Q So you could promise a witness that you
12 would --

13 A No, promise nothing; I might say that
14 we'll interview them, or, you know, speak to the
15 state's attorney. I'm not going to promise them
16 anything.

17 Q You could promise them that you would
18 speak to the state's attorney on their behalf?

19 A I can tell them I will speak to the
20 state's attorney.

21 Q Uh-huh. You mentioned earlier that on
22 the evening of April 2nd, 1993, you were in the
23 station and you received a call to respond to the
24 Ascher homicide?

1 A Detective Scott received a call from the
2 shift supervisor, and who had contacted Sergeant
3 Pirages at home, okay, because he was off.
4 Sergeant Pirages informed whoever was the
5 shift supervisor at that time, to get ahold --
6 Bruce Scott was already in there. So he talked
7 to Bruce Scott. And Sergeant Pirages advised
8 Bruce Scott to go to the hospital. And he said:
9 And have Smith and Forrester come to the scene,
10 and he would meet us there.

11 Q Do you have an independent recollection of
12 that evening of heading out to that scene?

13 A Well, I remember going out there, yes.

14 Q About what time did you receive that call
15 or did Bruce Scott receive that call?

16 A It was after 10:00, I believe, or -- yeah,
17 somewhere in that area.

18 Q And --

19 A I'm not sure. I'd have to see the report,
20 but -- for the exact time, but --

21 Q Can you describe for me how you got to the
22 scene?

23 A Myself and Detective Forrester rode out
24 in the same car, and we drove out to 2709 Silent

1 Wood where the crime scene was.

2 Q Do you remember what the weather was like
3 that night?

4 A I think there was -- there was snow on the
5 ground in areas. I don't remember. You know, it
6 was chilly. I don't remember how cold or anything
7 like that.

8 Q What did you observe when you got to the
9 scene?

10 A I observed -- first when we got there, we
11 met with Sergeant Pirages, who informed us that --
12 you know, what they had encountered. He said that
13 there was a gunshot victim. A guy and his
14 girlfriend were in the vehicle. It was an armed
15 robbery attempt. And he said that the victim had
16 been taken to -- I believe it was Saint Anthony
17 Hospital. And the girlfriend that was with him
18 also went to the hospital, along with her sister
19 and -- or her brother and his wife. Bruce Scott
20 was en route to the hospital to meet them there.

21 And we seen their -- Mr. Ascher's vehicle
22 parked on the southwest edge of the parking lot.
23 Both doors were open. There was quite a bit of
24 blood on the seat in that area. There was some

1 shell casings. And Detective -- Sergeant Pirages
2 advised us, you know, what he knew at that time.
3 And then we were assigned to go back to the
4 detective division and wait for the victim's
5 girlfriend and then her brother and his wife to
6 be brought into the police station to be
7 interviewed.

8 Q So how long would you say that you were at
9 the scene before you headed back to the public
10 safety building?

11 A Maybe an hour.

12 Q Who else was there when you got there?

13 A Lieutenant Ferguson was there; Sergeant
14 Pirages; Detective Arduino, Mike Arduino,
15 A-R-D- --

16 Q U-I-N-O?

17 MR. IASPARRO: U-I-N-O.

18 THE REPORTER: Thank you.

19 THE WITNESS: Thank you. McAnnally,
20 Officer McAnnally; Officer West; Officer Eauclaire
21 was there. Eauclaire, E-U-C-L-A-R-E (sic), I
22 think.

23 BY MS. TINGSTAD:

24 Q E-A-U- --

1 A E-A-U.

2 Q -- C-L-A-I-R-E, I'm looking at it, so.

3 A Thanks.

4 Q It's hard. Was there a canine unit, do
5 you recall?

6 A Not when we got -- I believe that Sergeant
7 Pirages indicated that they had called in the
8 county canine unit and had them check for prints
9 in the field and a scent. And the dog couldn't
10 find nothing.

11 Q The dog couldn't pick up a scent?

12 A Yeah.

13 Q Do you recall if there was snow on the
14 ground?

15 A I believe there was in areas. I don't
16 know if it was totally covered, but there were
17 some areas that had little patches of snow.

18 Q So patches of snow; was the ground frozen?

19 A I don't recall. It was in April. So I
20 don't know if it would have been frozen. I don't
21 think it was that cold, but I don't recall.

22 Q So you said you returned -- back up.
23 What other activities did you engage in when you
24 first arrived on the scene during that hour?

1 A Mainly we viewed the crime scene and we
2 were briefed by Sergeant Pirages. Other officers
3 that were already there, first responders to it,
4 they had already done a neighborhood check,
5 checked for any possible witnesses or anything
6 like that. They were all doing their thing like
7 that. We viewed the scene, went over what they
8 knew at the time. And then myself and Forrester
9 went back to wait for the other people, the
10 witnesses, to come back.

11 Q So you went back to the public safety
12 division and what did you do next?

13 A We waited for the witnesses to come from
14 the hospital. Becky was -- all of them were still
15 at the hospital. Detective Scott was going to
16 have them all come meet us at the detective
17 division. Sergeant Pirages wanted us to interview
18 the brother, the wife from the apartment or the
19 condo there, number three, that they went to
20 and -- or that they were going to, her brother's
21 house, and then Becky.

22 Q And did you end up interviewing one of
23 those?

24 A Yes.

1 Q Who did you interview?

2 A I spoke to Becky's brother.

3 Q Do you remember his name?

4 A I believe it was Brian.

5 Q Brian George?

6 A Brian George.

7 Q What do you recall him telling you?

8 A That he was -- his wife got home about
9 9:30. He had to work the next day. He was going
10 to work. He had to be there at 6:00 in the
11 morning. So it was about 10:00. He went up to
12 get ready for bed. He was getting into bed, and
13 his wife was getting ready to go to bed. And he
14 said that, all of a sudden, he heard a bunch of
15 banging on the door. His wife went down and
16 opened the door. And Becky come running in,
17 screaming, hysterical, saying for Brian to call
18 911; Andy had been shot. And she did that several
19 times and then ran back out. You want me to keep
20 going?

21 Q Sure.

22 A Then Brian said he called 911 on his
23 cordless phone and started getting dressed.
24 And the dispatcher was asking him all kinds of

1 questions involving this, and he didn't have any
2 of the answers. So he went outside to try to get
3 the answers that the dispatcher was asking him.
4 And he says when he walked out, he seen both car
5 doors open. He said that he walked over to the
6 passenger side first, and he could see a lot of
7 blood on the right side of Andy Ascher's face.
8 And then he walked around where Becky and his
9 wife were on the driver's side, and he seen a lot
10 of blood on the left side of his face. He said
11 that he seen some -- I believe it was his wallet
12 was in his lap. And he tried to get answers from
13 Becky that the dispatcher was asking, but she was
14 so hysterical.

15 And he said that the dispatcher -- when
16 the police arrived, the dispatcher told them to
17 get Becky away from the scene, so the fire
18 department ambulance could check on the victim.
19 Kind of get her out of the way; he said he tried
20 to calm her down, but she was still really
21 hysterical. And then the fire department took
22 Andy, and they went to the hospital. And then
23 Becky went to the hospital. And then him and his
24 wife went there to be with Becky.

1 Q And Becky at that time made statements to
2 Brian about what had happened, correct?

3 A At the scene?

4 Q Uh-huh.

5 A Yeah, she said that they were just sitting
6 in the car talking. And somebody opened up the
7 driver's door or pulled it open. And she said
8 that they seen a guy with a gun in both hands and
9 said that this was a -- I believe Brian George
10 said that Becky told him it was a burglary --
11 whatever, you know -- that was his words. And
12 she says that Andy was getting his wallet out.
13 She was digging through her purse getting her
14 money out. And she says he just shot him twice
15 in the -- shot him.

16 Q And did Becky tell Brian where she thought
17 the suspect might have run to?

18 A She said that she thought he would have
19 went east because they were facing west. And she
20 never seen him go in front of the car. So she
21 thought he ran back towards Silent Wood eastbound.

22 Q She didn't see him run eastbound, but she
23 assumed that because she didn't see anybody cross
24 in front of --

1 A That's what Brian said, yes.

2 Q I'm going to mark as Exhibit 1 -- let me
3 find where -- this is 1.

4 MS. KEEN: What's the Bates number,
5 Ashley?

6 MS. TINGSTAD: This is Schmidt 178.

7 MS. KEEN: Thank you.

8 THE REPORTER: Was that Amy on the phone
9 that just said that? Sorry. Was that Amy who
10 just spoke?

11 MS. KEEN: No, it's Roshna Keen, the
12 attorney that appeared for plaintiff.

13 MS. TINGSTAD: You can make that
14 Schmidt 1.

15 (Exhibit 1 was marked for identification.)

16 BY MS. TINGSTAD:

17 Q Let the record reflect that Schmidt 1 has
18 been marked. It's Bates labeled Schmidt 178
19 through 188. Mr. Schmidt, do you recognize this
20 document?

21 A Yes.

22 Q What is it?

23 A It's a police report I did.

24 Q What is the date of this report?

1 A April 2nd, 1993.

2 Q So April 2nd, that's at the top?

3 A Right.

4 Q And the time is 22:15?

5 A Right.

6 Q Would that -- what time does that reflect?

7 A 10:15.

8 Q And 10:15 is when you received a call or
9 when you arrived? What time does that reflect?

10 A That's when we were assigned to go out.

11 Q That's when you were assigned by Sergeant
12 Pirages. And there is a date at the bottom as
13 well, a handwritten date?

14 A Uh-huh.

15 Q What -- of 4/5/93, do you see that?

16 A Yes.

17 Q And what does that reflect?

18 A That would have been the time that
19 Sergeant Pirages reviewed my report and signed it.

20 Q So that's Sergeant Pirages' date and time?

21 A Yes.

22 Q And this is an 11-page report. And pages
23 2, 3, 4, 5, contain a lot of lines and names.
24 What are all of these names?

1 A Those were people I interviewed doing a
2 neighborhood check. Myself and several other
3 detectives were assigned to go out to the
4 Greendale address, the neighborhood there, and
5 do a neighborhood check for any possible
6 witnesses.

7 Q And did you, in the course of that
8 neighborhood check, talk to anybody who had seen
9 or heard anything?

10 A Not regarding this (indicating).

11 Q In the course of that neighborhood check
12 you interviewed someone at apartment three. This
13 is on --

14 A Roush?

15 Q Yes, David Roush, what do you remember
16 about that interview?

17 A He didn't hear or see anything the night
18 of this incident. But he said that he did
19 remember the day before on the 1st, that when
20 he came home, there was a gray car. He thought
21 it was a Plymouth Volare, parked out in front
22 of his apartment building. And he says that he
23 saw a black male get out of the passenger side
24 of the car and go into his building.

1 He drove around and parked in the back
2 and then went in -- was going into his apartment.
3 And he could hear that guy go up the stairs, run
4 down the hall, and then go back downstairs and
5 out. And he says that a while earlier there had
6 been an armed robbery at that building where a
7 pizza delivery man had been sent to their
8 apartment building to deliver a pizza. And the
9 pizza -- or the person that they were delivering
10 the pizza to did not live at that building.
11 When the pizza delivery guy was leaving, he was
12 confronted outside and robbed. And so he says
13 that he just tries to watch anything that might
14 be suspicious, you know, that he seen. He says
15 he's never seen that car in the area before and
16 had no idea who they were.

17 Q Did you consider this to be a potential
18 lead?

19 A A lead?

20 Q Yeah, something unusual that happened in
21 the neighborhood the day before?

22 A That's why we write it down. We check
23 into everything.

24 Q Did you check into a 1976 four-door

1 Volare? Did you try to figure out what that might
2 be or who might have been driving that --

3 A Did I personally?

4 Q -- on that day? Uh-huh.

5 A No.

6 Q Did you pass that information along to
7 anyone else to follow?

8 A Sure, the report was --

9 Q Sergeant Pirages?

10 A -- submitted to my supervisor.

11 Q Are you aware of whether or not Sergeant
12 Pirages had anyone follow up on that lead?

13 A I'm not aware.

14 Q So you conducted this neighborhood check
15 of 3523 Greendale Avenue or Greendale Apartments.

16 A That was the apartment building.

17 Q The apartment building was called 3523
18 Greendale, and where was that in relation to the
19 scene of the Ascher homicide?

20 A That was down at the end of the street.
21 Silent Wood, when you get to the end, winds around
22 onto Greendale.

23 Q Uh-huh. Becomes Greendale?

24 A Yes.

1 Q Okay. And so that -- was that within
2 eyeshot of the crime scene?

3 A There is a lot of big apartment buildings.
4 I don't know if it was eyeshot from there. It
5 was -- from Silent Wood, from 2709, the drive
6 going into the parking lot to there, was about
7 800 feet --

8 Q Okay.

9 A -- to Greendale. And this was one of the
10 first big apartment buildings right there on the
11 corner, and then there is just a bunch of other
12 apartment buildings.

13 Q A couple more? And between -- in that
14 800 feet between the Silent Wood address and this
15 address is a field, or what is in between that?
16 What was in between that? Let me --

17 A Yeah. There was -- there was several
18 fields. There's fields across the street. It's
19 all different now; but back then, you know, from
20 what I remember --

21 Q Uh-huh.

22 A -- there was some big fields. And then
23 when you get down on Greendale you have apartment
24 buildings.

1 Q Okay. And there is a few notations of
2 talking to people at 3518 Greendale. Where was
3 3518 Greendale?

4 A Probably had been the next apartment
5 building.

6 Q Did you also --

7 A There was -- there was about four
8 detectives that went out to canvass this area. So
9 I checked as many apartments as I could at 3523.

10 Q Uh-huh.

11 A Other detectives went to other buildings.
12 And then I just -- when -- you know, if you never
13 got an answer, we left a card. We kept going
14 back, making sure we talked to everybody that we
15 could. And then when I got everybody in my
16 building, I went and got people at the next one.
17 And then, you know, so on and so forth; tried to
18 cover everybody that we could. If they weren't
19 home, we either went back or they called in, and
20 then we talked to them about it.

21 Q And other than Mr. Roush, who had seen
22 something the day before, did any other leads come
23 out of your neighborhood check?

24 A No.

1 Q Later that day on April 3rd, 1993, you
2 attended the autopsy of Andy Ascher?

3 A Yes.

4 Q And after that, at 11:55 at night or --
5 no, that would have been -- 11:55 military time
6 is just before noon, right?

7 A Right.

8 Q You received the cassette tapes of the
9 911 call?

10 A From Sergeant Pirages.

11 Q Uh-huh. Did you listen to those tapes?

12 A No.

13 Q You were just assigned to tag them into
14 evidence?

15 A Right.

16 Q Is this report a complete accounting of
17 all of the activities that you conducted on
18 April 2nd and 3rd, 1993, with regard to the
19 Ascher homicide?

20 A Unless I was with somebody else doing
21 something and they covered me in their report;
22 but as far as I know, yeah.

23 Q Do you know if there were any leads at
24 this time in early April, right after the murder,

1 regarding a suspect?

2 A Not that I'm aware of.

3 Q Are you aware of a Crimestoppers call
4 coming in shortly after the murder regarding a
5 potential suspect?

6 A Shortly after the murder? No.

7 Q If a Crimestoppers call did come in
8 shortly after the murder, would you expect that
9 lead to be investigated?

10 MR. IASPARRO: What do you mean by
11 "shortly after the murder"? What?

12 MS. TINGSTAD: I can give you a date.

13 Q On April 4th, 1993, so two days after the
14 murder?

15 A Yeah, I'm sure it would have been.

16 Q You're not aware of any Crimestoppers
17 calls that came in on April 4th, 1993?

18 A Me personally, no.

19 MS. KEEN: I didn't hear that response.
20 I'm sorry. Can you repeat it?

21 THE WITNESS: Not me personally, no, I
22 didn't know anything about that.

23 THE REPORTER: Was that Ms. Keen who
24 spoke? I need to know -- get a speaker I.D.

1 MS. KEEN: Yes. I'll identify myself next
2 time. Thank you.

3 THE REPORTER: Okay. Yes, if you could
4 identify yourselves before you speak, that would
5 be great. Thank you.

6 MS. KEEN: Will do. Thank you.
7 BY MS. TINGSTAD:

8 Q Were you aware of any suspects that were
9 identified by the Loves Park Police Department for
10 this crime?

11 A No.

12 Q You don't recall hearing the name
13 Antrone Turner?

14 A No.

15 Q Or Vantele Turner?

16 A No.

17 Q Shawn Barmore?

18 A No. I know that name. I don't have
19 any recollect- -- or recollection of that from
20 Loves Park.

21 Q How do you know the name Shawn Barmore?

22 A I just know the Barmores.

23 Q How do you know the Barmores?

24 A I just -- I know the name. I don't

1 recall.

2 Q Through, like, a personal acquaintance
3 or --

4 A Well, no, it wouldn't have been a personal
5 acquaintance; but I don't know anything about the
6 Loves Park incident that I can recall. Whose
7 report is that in?

8 Q If -- there is a -- I'm referring to a
9 report written by Kevin Rice regarding -- dated
10 April 3rd, 1993.

11 A Okay. Yeah.

12 Q Would you have expected that a suspect
13 identified by a different police department would
14 have been a lead that would have been
15 investigated?

16 MR. IASPARRO: Object; form; foundation;
17 and that assumes facts not in evidence.

18 MR. MOGBANA: Join.

19 BY MS. TINGSTAD:

20 Q Would you expect that -- that a lead
21 regarding a different -- a suspect of the
22 murder would have been investigated?

23 MR. IASPARRO: Same objections.

24 THE WITNESS: Anything that came in like

1 that would have gone through Sergeant Pirages.

2 And it would have been his determination whether
3 or not it got assigned to something. So I don't
4 know.

5 BY MS. TINGSTAD:

6 Q So that would have been Sergeant Pirages'
7 decision?

8 A (Witness nods head.)

9 Q And he would have received all of these
10 reports?

11 A Is that marked with a homicide on the top
12 (indicating)?

13 Q It says murder, offense, murder.

14 A Okay. From Silent Wood?

15 Q Yes.

16 A Okay. He would have gotten all those
17 reports. It would have all been in the file.

18 Q So when the reports say 2709 Silent Wood
19 at the top, and the offense says homicide or
20 murder, that would have gone to Sergeant Pirages?

21 A Absolutely.

22 Q Would it have also gone to Detective
23 Forrester?

24 A Depended; Sergeant Pirages would -- you

1 know, it was his case. So eventually I'm sure
2 he had all the case information.

3 Q It was Forrester's case, is what you mean
4 by "his"?

5 A Yes.

6 Q Do you have any recollection of an armed
7 robbery that occurred at a Burger King in April of
8 1993?

9 A I do now. Back then --

10 Q What do you mean: You do now?

11 A Well, I have seen the information in the
12 report. But as far as, you know, back then, no,
13 I didn't.

14 Q So back in April 1993, you didn't know
15 about the -- a Burger King armed robbery?

16 A In April?

17 Q Uh-huh.

18 A No.

19 Q Did you, before preparing for this
20 deposition, ever read police reports regarding
21 an April 1993 Burger King robbery?

22 A I have seen them, I think, yeah.

23 Q Did you see them back in 1993?

24 A I don't recall if I did or not.

1 Q You recall being present for a statement
2 by Sam Crabtree regarding an April 1993 Burger
3 King armed robbery, correct?

4 A Yes.

5 Q Prior to hearing or taking that statement,
6 did you know any facts about the Burger King armed
7 robbery?

8 A No.

9 Q You hadn't read the report that you --
10 that's the Lathom report?

11 A I don't recall. Howard had the
12 information on that. Howard took the statement
13 from her on that. I was in the interview room
14 when he talked to her about that. But other than
15 that, I don't know anything about it, that I can
16 recall.

17 Q And by "Howard" you're referring to
18 Detective Forrester?

19 A Detective Forrester, I'm sorry.

20 Q No need to apologize. Do you have a
21 recollection of investigating an armed bank
22 robbery from May of 1993?

23 A Yes.

24 Q What do you remember about that?

1 A I remember that there was a bank robbery
2 at First Bank North across from the post office
3 on Harrison. Myself and other detectives were
4 sent there. I interviewed one of the tellers.
5 Another detective interviewed a different teller.
6 I was with myself and an FBI agent, Mulvey, I
7 believe his name was. We interviewed the one
8 teller about the incident. And while we were in
9 the bank getting the information, the suspect
10 vehicle was recovered over on Mariposa. Squads
11 went over there and they found some money on the
12 ground and an Olds Toronado, gray, parked on
13 Mariposa in the 2000 block. And I did my report
14 on the bank robbery.

15 Q Do you recall whether there was a suspect
16 in that bank robbery identified in May 1993? Did
17 you have any suspects?

18 A When in May?

19 Q Anytime in May; the robbery occurred
20 May 12th, 1993.

21 A No, no.

22 Q Do you know whose case was -- who was
23 assigned to this bank robbery?

24 A I don't recall whose specific case it was.

1 Q Was it assigned to you?

2 A Not that I know of; I worked on it.

3 I don't know who -- what detective was involved
4 in it.

5 Q Okay.

6 MS. TINGSTAD: Just take one and pass it
7 down. We can mark it as Schmidt 2.

8 (Exhibit 2 was marked for identification.)

9 MS. TINGSTAD: For those on the phone,
10 the Bates number is Schmidt 108 through 112.
11 I apologize. That seems to be my phone.

12 Q Do you recognize this document --

13 A Yes.

14 Q -- Mr. Schmidt? And what is it?

15 A It's a police report, my police report
16 involving the armed robbery at the First Bank
17 North.

18 Q And the date of this report at the top
19 would be?

20 A May 12th.

21 Q May 12th; time, 11:30 in the morning?

22 A Yes.

23 Q And the date at the bottom when it was
24 reviewed by Sergeant Pirages would be May 20th,

1 1993?

2 A Right.

3 Q That's your signature in line 376 or
4 Box 376?

5 A Are you talking my name?

6 Q Yes, that's your signature?

7 A That's my signature.

8 Q Yeah. And then Box 377, that's Sergeant
9 Pirages' signature?

10 A That's correct.

11 Q And you recall interviewing Lisa Donmeyer?

12 A Yes.

13 Q What do you recall her saying about this
14 bank robbery?

15 A She was behind the counter. She had
16 observed the suspect coming through the doors.

17 Q How did she describe him?

18 A Said he was a black male, five-seven,
19 150; was wearing a black ski mask, a purple
20 baseball cap, gray sweatshirt, pants oversized
21 with black leather driving gloves.

22 Q Did he pull a gun to this -- did the
23 suspect pull a gun?

24 A No.

1 Q Did Ms. Donmeyer ever see a weapon?

2 A No.

3 Q Is this report -- does it accurately
4 relate all of the information that she relayed to
5 you when you interviewed her?

6 A Yes.

7 Q And does it accurately relate your
8 activities investigating this armed robbery on
9 May 12th, 1993?

10 A Yes.

11 Q Is there anything -- do you have any
12 reason to believe that there is anything left out
13 of this report?

14 A That I did?

15 Q Uh-huh.

16 A No.

17 Q Prior to a Crimestoppers call coming in
18 implicating Patrick Pursley in this bank robbery,
19 are you aware of any suspects that the police
20 department was investigating?

21 A No.

22 Q Can you think of any reason why Sergeant
23 Pirages would not have assigned a detective to
24 investigate a lead?

1 MR. IASPARRO: Form and foundation.

2 MR. MOGBANA: Join.

3 THE WITNESS: That would -- I would never
4 second-guess what he -- he's in charge. So, you
5 know, if he had something that he thought was a
6 valid lead, he definitely would assign somebody
7 to it.

8 BY MS. TINGSTAD:

9 Q Were you ever a sergeant in the detective
10 bureau?

11 A No.

12 Q Did you ever talk to Sergeant Pirages
13 about why he didn't assign -- why he didn't assign
14 anyone to investigate a lead?

15 A No.

16 MR. IASPARRO: In this case?

17 BY MS. TINGSTAD:

18 Q In any case?

19 A No.

20 Q So you don't know what his decision-making
21 matrix was like? You don't know what factors he
22 would consider?

23 A He's got many cases. He's assigning stuff
24 all the time. Everything that comes through goes

1 through him and lieutenant. So, I -- no, I
2 wouldn't have a clue why he wouldn't or would
3 assign somebody.

4 Q After the Ascher homicide, there was
5 news reports regarding the homicide, correct?

6 A Oh, I'm certain, yeah.

7 Q Did you watch any of those news reports?

8 A Not that I recall; I'm sure I might have
9 heard it on the news at times, but not that I
10 recall specifically.

11 Q Do you recall whether a suspect was
12 described in a news report? There was a
13 description of the suspect given in a news report?

14 A Well, if there was a description of the
15 suspect and they're doing the newscast, there
16 probably was. I don't recall offhand what it was.

17 Q Do you know who would have provided a
18 suspect's description to the news, to the media?

19 A No.

20 Q Was it a certain person's responsibility
21 within the police department to make those
22 decisions?

23 A Well, I don't know. A lot of times they
24 come down and they can get reports from the

1 records division. So I don't know if they
2 obtained the reports that way or if they talked
3 to the supervisor and he relayed some of that.
4 I don't know.

5 Q So you don't know what the procedure would
6 be for providing a suspect description to the
7 media?

8 MR. IASPARRO: Are you asking generally?

9 BY MS. TINGSTAD:

10 Q Uh-huh, generally?

11 A Yeah, it would be up to the shift
12 commanders, the people in charge. You know, if
13 they wanted to put something out there, they
14 would. They would, you know, speak to them and
15 let them know what they have and stuff like that.
16 That's up to them. We wouldn't release nothing
17 personally.

18 MR. HUOTARI: Ashley, this is Joel Huotari
19 speaking. I got a 12:00 I'm hoping to keep.
20 Are you intending to break for lunch at any point?
21 Would this be a good stopping point?

22 MS. TINGSTAD: That is a fine stopping
23 point for me.

24 MR. HUOTARI: Thanks. Want to pick it up

1 at, like, 1:15?

2 MS. TINGSTAD: That's fine, if it works
3 for everybody.

4 MR. HUOTARI: Appreciate that.

5 THE WITNESS: Want these back?

6 MR. IASPARRO: Off the record.

7 (Discussion off the record commencing at
8 11:47 a.m. and concluding at 11:47 a.m.)

9 (A lunch recess was taken commencing at
10 11:47 a.m. and concluding at 1:20 p.m.)

11 (Mr. Mogbana leaves the deposition
12 proceedings.)

13 (Mr. Huotari leaves the deposition
14 proceedings.)

15 (Ms. Hall arrives to the deposition
16 proceedings.)

17 MS. TINGSTAD: Let's get started.

18 Q I might have already said this,
19 Mr. Schmidt; but when did you start working as
20 a detective in the violent crimes unit?

21 A I'm not for sure the --

22 Q Could be approximate.

23 A You know, I just -- I went -- when I first
24 went there I worked in burglary. And I know I

1 was in burglary probably at least two or three
2 years. So, you know, somewhere in that time
3 period then I -- there was an opening in violent
4 crimes, and they asked me -- Steve asked me if
5 I wanted to go in there, and I did.

6 Q So approximately '91/'92 time frame?

7 A Approximately, I just -- I really -- I
8 just don't know the date. I know I went to
9 the -- I was promoted in '88 in July. But it
10 wasn't, like, you're promoted and the next day
11 you start in the detective division.

12 Q Uh-huh.

13 A You know, you had to wait. You were
14 promoted and -- but you -- until there was an
15 opening, you didn't get put in yet. So I'm not --
16 I'm not exactly sure what the exact date was that
17 I went in. But when I first went in, I was in the
18 burglary division. And I worked burglaries until
19 the slot opened up in violent crimes. So it might
20 have been maybe a year.

21 Q Uh-huh.

22 A You know.

23 Q So even could be earlier, like, 1989/1990
24 time frame?

1 A Oh, not -- for the violent crime unit?

2 Q Yeah.

3 A No, no, it would have been later than
4 that.

5 Q Oh, later; but before 1993, you were in
6 the violent --

7 A Oh, yes, I was in violent crime during
8 this (indicating), but I was pretty new.

9 MS. TINGSTAD: Did someone just join the
10 call? Probably on mute.

11 Q And when -- and then how long did you stay
12 in violent crimes?

13 A I believe 1997-ish.

14 Q Okay. So about six years-ish, you were
15 in violent crimes as a detective. We'll benchmark
16 it, about five or six years?

17 A Yeah.

18 Q Five or six years; and during those five
19 or six years that you were a detective in the
20 violent crimes unit, did you participate in
21 charging conversations with the ASAs about whether
22 or not to charge a specific suspect?

23 A Charging conversations?

24 Q Yeah, like, a conversation with the

1 state's attorney?

2 A Sure. Every charge had to be authorized.

3 Q And so you participated in
4 conversations --

5 A Well, you'd review what you had with the
6 state's attorney. And then they would ultimately
7 decide if they would issue, you know, complaints
8 on that.

9 Q So you would sit down with the state's
10 attorney and review what?

11 A The case you had.

12 Q So police reports, statements; anything
13 else you would review?

14 A Anything concerning the case.

15 Q Anything you had concerning the case; and
16 about how many of those conversations did you
17 participate in?

18 A Would have no -- no idea.

19 Q Ballpark in that -- in those five or six
20 years?

21 A I couldn't even tell you.

22 Q Yeah.

23 A You know, like I say, any -- if I wanted
24 to charge somebody with burglary --

1 Q Yeah.

2 A -- okay. I would have what I worked up.

3 Q Uh-huh.

4 A Then I'd contact the state's attorney or
5 I'd either do it by phone or go over, review it
6 with them; and they would either authorize it or
7 not. And so I couldn't tell you how many cases
8 or --

9 Q It would have been a lot?

10 A Yeah.

11 Q It happened quite often, okay. And were
12 you familiar with the Illinois State Police crime
13 lab?

14 A I knew of it, sure.

15 Q And did you work -- were you a case
16 detective in gun cases during your time at the
17 violent crimes unit?

18 A I'm sure I -- at some point, yeah.

19 Q Uh-huh. And as a case detective in gun
20 cases, how would you typically communicate with
21 the Illinois State Police Lab if you had forensic
22 ballistics evidence?

23 A Usually ID took care of that. They would
24 submit the -- whatever evidence you had, if

1 something needed to be tested or whatever. Most
2 cases, you know, they would submit it; or, you
3 know, depending on the situation, they might have
4 us run it over and drop it off. But usually, you
5 know, either property or ID would take care of
6 that.

7 Q And not specifically running the physical
8 evidence over to the ISP lab, but making a
9 decision as to when to send the evidence to the
10 ISP lab? Would that be a case detective's
11 decision?

12 A No, no.

13 Q That would -- whose decision?

14 A You mean, like, this is my case --

15 Q Uh-huh.

16 A -- and -- okay. I'm going to do this; I'm
17 going to send it over?

18 Q Or you're making a decision about when to
19 send forensic evidence over to the lab?

20 A The supervisor would do that.

21 Q The supervisor would do that?

22 A Or it could be a supervisor, you know;
23 it would either be, you know, property. That's
24 where everything is going. When you take it into

1 evidence it goes to property. So somebody would
2 notify property that it needs to go over or not.
3 And that would be, you know, Sergeant Pirages or
4 whatever supervisor you have, might come in and
5 say: I need you to run this over there, or he
6 might just have property take it over or whatever
7 because, you know, you've got a chain of evidence
8 that you got to maintain. So they -- it wasn't,
9 like, it's passed around, so.

10 Q Right, right. Did you ever have, in a
11 gun case, spent slugs and shell casings that you
12 recovered from a scene that you would send over to
13 ISP to provide information about what kind of
14 weapon that might be?

15 A That I would do?

16 Q As a case detective in a gun case?

17 A No.

18 MS. KOZAR: Object to form.

19 THE REPORTER: Who was that, sorry?

20 MS. KOZAR: Object to form.

21 THE REPORTER: Is that Ms. Kozar?

22 MS. KOZAR: Yes.

23 BY MS. TINGSTAD:

24 Q So if it was your case and it was a gun

1 case, and you were responsible for trying to solve
2 it --

3 A I wouldn't touch none of the --

4 Q No, you wouldn't touch it?

5 A -- the evidence. So what would happen is,
6 ID would be called out to the scene, if there were
7 spent casings on the ground or whatever evidence
8 you have or a weapon or anything else. ID would
9 recover it. They would tag it and they would put
10 it in property. Then, you know, it isn't going to
11 be my decision when it goes over or who takes it
12 over. That's a supervisor's position.

13 Q That's a supervisor?

14 A Or state's attorney, State's Attorneys
15 Office might say: Hey, we need this done or
16 whatever.

17 Q But that wouldn't be the case
18 detectives' --

19 A No.

20 Q -- decision?

21 A We don't make those decisions.

22 Q So in your time as a case detective in
23 the violent crimes unit, did you ever pick up
24 the phone and call the crime lab and ask them to

1 look at evidence --

2 A Sure.

3 Q -- of one of your cases?

4 A Yes.

5 Q Were you familiar with the firearms
6 examiners over there in the Rockford lab?

7 A I don't know "familiar." I knew Jack
8 Welty, but I don't know what particular role
9 he played in it, but I knew him. I have talked to
10 him before.

11 Q So you said that you have picked up the
12 phone with ISP lab and said: Can you review this
13 ballistics evidence? You've done that in a case
14 before?

15 A Not review it; I might have -- I might
16 have -- you know, maybe just for an example.
17 Maybe Sergeant Pirages said: Hey, call over to
18 state crime lab and see if they were able to check
19 on that yet. I might call and see, you know,
20 where they're at on it. If they started, you
21 know, looking into it, if they come up with
22 anything, and then give that back to him. But
23 for me to -- you know, no, I never: "Hey, I need
24 you to do this and do that."

1 Q You wouldn't have picked up the phone
2 without being asked to do so by Sergeant Pirages?

3 A To have them investigate something?

4 Q Uh-huh.

5 A No.

6 Q Okay.

7 A But I might call to see if -- you know,
8 what they found out about it, you know, if they --
9 you know, have you done a ballistics test? You
10 know, were you able to do that yet? If you were
11 waiting for the results or whatever, you might
12 have seen, you know, where it's at. Where they
13 do it at, you know, the only time I've ever had
14 anything to do with them was just down the street
15 here. I would run it over there to a crime lab
16 here, but there's other crime labs. So I don't
17 know if they send it out or, you know, no idea,
18 so.

19 Q When evidence -- in your experience when
20 evidence went over to the crime lab, about how
21 long would it take for you to get some type of
22 opinion back?

23 A No idea, it could be -- you know, it all
24 depends on how busy they are.

1 Q How quick? What's the quickest?

2 A I don't know.

3 Q Can you estimate what the quickest was?

4 A Can I guess?

5 Q Don't guess, but what is the quickest in
6 your experience?

7 A It could be a couple days. It could be,
8 you know, a month. It could be longer than that.
9 You know, it all depends, what they've got to do,
10 what they're looking at, you know. Once it's over
11 there, I don't have no say in how they do what
12 they do. That's -- you know, that's a totally
13 different section there.

14 Q As a detective in the violent crimes unit
15 in the early '90s, is it fair to say that you
16 interviewed hundreds of witnesses?

17 A Yes.

18 Q And was it your practice to ask witnesses
19 about motives they might have to falsely implicate
20 someone in a crime?

21 MR. IASPARRO: All witnesses?

22 MS. TINGSTAD: Yeah.

23 Q I mean, would you ask -- if a witness was
24 implicating someone in a crime, would you probe

1 to find out if they had any motives to falsify
2 that information?

3 A I might, depending on the situation.
4 You know, the last thing I want to do is arrest
5 somebody that isn't responsible.

6 Q And you would make efforts to corroborate
7 facts that witnesses told you?

8 A A lot of times, absolutely.

9 Q And that would be just to probe the
10 credibility?

11 A Well, that and the facts that you have,
12 sure.

13 Q When you were interviewing witnesses, as
14 in the violent crimes unit, did you ever deny a
15 phone call to a witness?

16 A Did I? Not that I recall; it would have
17 to -- yeah, I don't know why. You know, we didn't
18 just, you know: Hey, I want to call my -- you
19 know, my mom. And you're in the middle of an
20 investigation. You might say: Well, as soon as
21 we get done here, you can. You know, it wasn't
22 like they're going to run in and out making calls
23 all day. You know, but, no, it's depending on
24 what they wanted.

1 Q And this would be a witness who is not in
2 custody. You might say -- it's your testimony
3 that you might say: You can make that call after
4 we're finished here?

5 A Yeah.

6 Q On what authority would you tell a witness
7 who wasn't in custody that they couldn't make a
8 phone call when they wanted to?

9 A On what?

10 Q On what authority?

11 MR. IASPARRO: Object to form and
12 foundation.

13 THE WITNESS: You're talking a witness.
14 If they didn't want to talk to me, they could go.
15 BY MS. TINGSTAD:

16 Q Did you ever deny a phone call to a person
17 in custodial interrogation?

18 A I don't recall ever -- I don't recall
19 anybody ever asking me to make a phone call during
20 an interview or interrogation, so.

21 Q Never?

22 A I don't know what else to tell you.

23 Q Did you ever hear any other officers
24 deny a phone call to a person in custodial

1 interrogation?

2 MR. IASPARRO: Form and foundation.

3 THE WITNESS: No.

4 BY MS. TINGSTAD:

5 Q Your answer is?

6 A No, not that I know of.

7 Q Did you ever threaten a witness that they
8 would never see their children again unless they
9 gave a statement?

10 A No.

11 Q Did you ever hear any other officers make
12 threats to that effect?

13 A No.

14 Q If an officer made that kind of threat,
15 would you consider that to be coercive?

16 MR. IASPARRO: Objection; form and
17 foundation.

18 THE WITNESS: If I heard somebody say
19 what?

20 BY MS. TINGSTAD:

21 Q If you heard -- if you or another officer
22 would threaten a witness to say, "You'll never see
23 your children again if you don't give this, give a
24 statement," would you consider that to be

1 coercive?

2 MR. IASPARRO: Object; form and
3 foundation; that calls for a legal conclusion.

4 THE WITNESS: I don't know.

5 BY MS. TINGSTAD:

6 Q You said you never threatened a witness --

7 A No, I haven't.

8 Q -- like that. Why not?

9 A Why would I?

10 Q What would be the danger of threatening a
11 witness with that kind of a --

12 MR. IASPARRO: Object to form and
13 foundation.

14 THE WITNESS: We can do hypotheticals
15 all day.

16 BY MS. TINGSTAD:

17 Q Uh-huh.

18 A I never threatened anybody. That's all I
19 can tell you. You can come up with ten different
20 reasons saying: You know, why haven't you or
21 did you? I didn't. So I don't know what else
22 you want me to say about that.

23 Q So turning your attention to early
24 June 1993, at that time you didn't have any leads

1 in the -- or the police department didn't have
2 any leads in the Andrew Ascher murder, correct?

3 A That's correct.

4 Q Or in the First North bank robbery?

5 A Correct.

6 Q Are you aware of a shooting that took
7 place at Robert Poe's house on June 8th, 1993?

8 A I am now, yes.

9 Q Were you aware at that time about the
10 shooting?

11 A Not that I recall.

12 MS. TINGSTAD: Did someone just join the
13 deposition?

14 MR. PURSLEY: Yes, Patrick Pursley.

15 THE REPORTER: I'm sorry. Can you speak
16 up, please.

17 MR. PURSLEY: Patrick Pursley.

18 BY MS. TINGSTAD:

19 Q So at the time you were aware of a
20 shooting, what did you know about that shooting?

21 MR. POTTINGER: Objection; he said he
22 wasn't aware.

23 MR. IASPARRO: Yeah, he said he wasn't.

24 BY MS. TINGSTAD:

1 Q Oh, you said you weren't aware at the
2 time?

3 A Right.

4 Q Oh, okay.

5 A Other officers were involved in that, not
6 me.

7 Q Were you aware of a Crimestoppers call
8 that came in on June 8th, 1993, regarding the
9 Andrew Ascher murder?

10 A Yes.

11 Q What do you -- what did you learn about
12 that call?

13 A I learned that Carmen from Crimestoppers
14 called the detective division and said that there
15 was a Crimestopper caller who had information on
16 the Andy Ascher murder.

17 Q Are you giving me this information now
18 based on your review of reports or based on your
19 recollection?

20 A Mainly the reports.

21 Q Do you remember talking to Detective
22 Forrester around that time about the contents of
23 the Crimestopper call?

24 A Well, I'm sure I did talk to him; but at

1 that time Detective Forrester and Detective Scott
2 took the information from that caller, and I
3 wasn't aware of any of that. You know, we were
4 all doing our own cases. And then he was
5 following up on different things involving that.
6 So, you know, I might have heard that the -- you
7 know, the crime -- you know, we might have all got
8 together and said that, you know, Crimestopper
9 called and gave this information; but I wasn't
10 involved in any of that.

11 Q And would you have been briefed on the
12 information that the Crimestopper gave Detectives
13 Forrester and Scott the same day?

14 A I don't know.

15 Q The next day?

16 A Possibly.

17 Q Would you have been briefed on that
18 information before you met Samantha Crabtree on
19 June 10th?

20 A Yeah, I'm sure.

21 Q You would have known that information by
22 then?

23 A Yeah, I'm sure.

24 Q You were aware at this point, or do you

1 recall at this point whether the Crimestopper
2 caller was anonymous?

3 A At that point I believe he was anonymous.
4 I don't believe he -- they asked if he would be
5 willing to come in and give a statement, and if
6 he'd be willing to testify. And he said he wanted
7 to talk it over with his wife and they would let
8 him know later. And it was probably, you know, a
9 week or a week and a half later that he actually
10 called in and came in and gave a statement.

11 Q Now, at this point with just this
12 Crimestoppers call, just the anonymous
13 Crimestoppers call, you couldn't have gone to
14 the state's attorney at that point to charge
15 Patrick Pursley, could you?

16 MR. IASPARRO: Object; form and
17 foundation; calls for speculation.

18 BY MS. TINGSTAD:

19 Q You participated in charging
20 conversations, many charging conversations as
21 a violent crimes detective?

22 A Are you asking --

23 Q Uh-huh.

24 A -- if I would have went to the state's

1 attorney's office with just the Crimestopper
2 information --

3 Q Yes.

4 A -- and want a complaint?

5 Q Yes.

6 A No.

7 Q You needed more evidence?

8 A Right.

9 Q Did you learn anything about the weapon
10 that might have been used in the crime around that
11 time on June 8th or June 9th?

12 A Such as?

13 Q What kind of weapon it might have been?

14 A Yes.

15 Q What did you learn?

16 A That it was a 9-millimeter.

17 Q It was a 9-millimeter. And how did you
18 learn that?

19 A I believe Greg Hanson went to the
20 Bullet Stop Gun Shop and discovered that
21 Samantha Crabtree purchased a Taurus 9-millimeter
22 in February. So that's --

23 Q And so the working theory was that the
24 murder weapon could have been that Taurus --

1 MR. IASPARRO: Object to form.

2 BY MS. TINGSTAD:

3 Q -- at the time? Is that what you're
4 saying, though? You learned about -- did you
5 learn about a preliminary examination that was
6 done at the ISP crime lab on the same day --

7 MR. IASPARRO: Which?

8 BY MS. TINGSTAD:

9 Q -- regarding the bullets and shell casings
10 found at the scene?

11 A I've since read it, but I didn't know it
12 then.

13 Q You didn't know it then. Did you talk
14 with Detective Forrester about what Greg Hanson
15 learned regarding the Taurus?

16 A I'm sure we all did.

17 Q You talked to Mr. Hanson about that?

18 A I don't know if I talked to him
19 personally. It might have been Sergeant Pirages
20 that got us together in reviewing everything that
21 we had up to that time. I don't know. I don't
22 recall.

23 Q You don't recall. And do you recall
24 that Detective Forrester prepared a warrant

1 request or a warrant petition for a search of
2 Patrick Pursley's apartment around that time?

3 A Yes, he filled out an affidavit for a
4 search warrant.

5 Q Did you assist with that process in any
6 way?

7 A No. Well, let me take that back. To what
8 extent?

9 Q Did you assist Detective Forrester in
10 drafting the affidavit or --

11 A No.

12 Q -- providing facts for --

13 A No.

14 Q -- the affidavit?

15 A None of that, no.

16 Q To what extent did you assist him?

17 A We drove by her house and Detective Scott
18 had the search warrant. And I was there when he
19 read her the search warrant and gave her a copy of
20 it.

21 Q But in terms of the preparation of the
22 affidavit --

23 A No.

24 Q -- you --

1 A Had nothing to do with it.

2 Q -- didn't have any part of that?

3 A No.

4 Q Prior to or on June 10th, 1993, did you
5 obtain a copy of any written notes or report
6 detailing the allegations of the Crimestopper
7 caller?

8 A I don't know if there was any report done
9 at that time yet. It had just -- he had just
10 gotten it. You're talking two days later. So I
11 don't know if there was even a report done on it
12 yet.

13 Q Or notes written about it?

14 A Well, if there was notes, Detective Scott
15 and Detective Forrester would have had those.

16 Q You weren't given a copy --

17 A No.

18 Q -- of notes? What was your next
19 involvement in the case, or what was your
20 involvement in the case starting on June 10th,
21 1993?

22 A At the beginning?

23 Q Yes.

24 A Sergeant Pirages assigned myself,

1 Detective Vincere -- Joe Vincere, Pat Girardi,
2 Viola, and Bruce Scott to set up surveillance
3 on 901 Ashland Avenue, Apartment Number Two.
4 And that was at 9:00 in the morning.

5 Q And what did you observe during that
6 surveillance?

7 A At -- I don't know what time it was -- at
8 1:15, I believe it was, something like that.
9 We observed Samantha Crabtree and Patrick Pursley
10 exit the east side second floor apartment and
11 walk out to Samantha's car, a 1984 Chevy
12 Celebrity. And Samantha got in the driver's
13 side and Patrick Pursley got in the driver's --
14 or passenger side.

15 Q You said you were assigned to conduct
16 surveillance. What kind of vehicle were you in
17 for the surveillance?

18 A I was in -- myself and Detective Vincere
19 was in a blue and gray van, unmarked.

20 Q Unmarked van; and were there other officer
21 vehicles around conducting surveillance or --

22 A Detective Scott was in a car, and he was
23 mobile in the area. And Viola and Girardi were
24 also set up. They were on Woodlawn watching. And

1 we were on -- we were set up on Ashland watching.

2 Q And where they were on Woodlawn, were they
3 also in an unmarked van?

4 A They weren't in -- I believe they were in
5 an unmarked squad car.

6 Q So you just pulled up to your surveillance
7 spots, and you sat there from 9:00 in the morning?

8 A I did, yes.

9 Q Yes? And you stayed until 1:15
10 approximately before anything happened?

11 A That's when they left. That's when they
12 started driving. We followed. And when they --
13 following, we were told that they were in the
14 process of obtaining a warrant and a search
15 warrant. So when they left, we called in and
16 asked: "You know, what do you want us to do?
17 They're moving."

18 They said: "Follow them and wait until
19 we can get uniformed officers to make a vehicle
20 stop." So we called in and tried to get some
21 marked cars to make the vehicle stop.

22 Q So when you observed Mr. Pursley and
23 Ms. Crabtree leaving 901 Ashland, was there anyone
24 with them?

1 A You know, I don't know. I don't -- I
2 cannot recall if --

3 Q You don't recall if there were children?

4 A Yeah, I do not recall if her -- you know,
5 if her kids came out with them, or if the kids
6 were already over there on Evergreen. I just
7 don't recall that.

8 Q It's possible that the kids were in the
9 car with Mr. Pursley and Ms. Crabtree?

10 A Well, Detective Scott followed her.
11 She left at 11:00-something. And he followed her
12 over onto 200 Hinkley. And he thought that she
13 dropped off a child there, and then came back the
14 same way to the house. But, like I said, I do not
15 recall. I just -- I can't remember if she came
16 out with the two kids or -- I just don't recall.

17 Q So was your unmarked van directly behind
18 the Celebrity as you started driving or was there
19 another car in between?

20 A No, we would have -- as they left on
21 Ashland and got to Rockton, when they turned onto
22 Rockton going north, then we started following.
23 They were stopped at the light there at Rockton
24 and Auburn. And then we ended up behind them

1 right there at the light, waiting for it. And
2 we were still waiting for if they wanted us to
3 stop it or if, you know, what. And they said to
4 wait until we got some uniformed marked squads
5 there to make the vehicle stop. And the light
6 changed and she went, continued north on Rockton.
7 And as soon as she crossed the railroad tracks,
8 not very far, just a couple blocks, she turned
9 onto Yonge Street. As soon as she hit Yonge
10 Street, she took off. And, of course, we're
11 letting dispatch know the direction that they're
12 going, so the marked squads could come.

13 And there was barricades at Evergreen
14 and Yonge because Auburn Street was tore up.
15 So there was, like, a temporary stop sign on one
16 of the barricades there at that location. She
17 ran the stop sign, turned left, going south onto
18 Evergreen, and pulled over in front of 1619
19 Evergreen. And as soon as she stopped, the
20 passenger door opened up and Patrick Pursley took
21 off running. And he ran up the driveway, across
22 the backyard over a fence with us chasing him.

23 Q So when you viewed her turn left and park
24 in front of 1619 Evergreen, what -- were you

1 driving?

2 A No, I was a passenger.

3 Q So Detective Vincere was driving?

4 A Detective Vincere was driving.

5 Q He pulled over and --

6 A (Witness nods head.)

7 Q -- did both of you jump out of the van?

8 A Yes.

9 Q And you both took chase on foot?

10 A That's correct.

11 Q And where did you go?

12 A Detective Vincere followed him across the
13 yard and over the fence. I continued south to
14 come around in case he went that way. Didn't know
15 where he was going to go to. So, and by that time
16 now, other officers are converging on the area and
17 we're trying to seal off the area. And then we
18 did a search of the area and could not locate him.

19 Q And at that time when Mr. Pursley jumped
20 out of the van -- out of the car -- had you heard
21 that there was an arrest warrant --

22 A Yes.

23 Q -- issued?

24 A We were notified of that.

1 Q Prior to giving chase?

2 A That's correct.

3 Q How long were you chasing or on foot? How
4 long were you looking for Mr. Pursley on foot?

5 A It was over an hour.

6 Q And how did that get called off? How did
7 the foot search end?

8 A Exhausted all areas that we could find,
9 you know, to look. And we went back. And at that
10 time Sergeant Pirages was there. And Sergeant
11 Pirages assigned Detective Forrester and myself
12 to interview Samantha.

13 Q Now, just backing up a minute, the
14 anonymous Crimestopper caller who turned out to be
15 a man named Marvin Windham; are you familiar with
16 that?

17 A Uh-huh.

18 Q He had given information about
19 Mr. Pursley's involvement in various crimes.
20 Had he already given information about
21 Sam Crabtree's involvement in crimes?

22 A He said that she was there.

23 Q He'd already said that to Detective
24 Forrester and Detective Scott?

1 A Yeah, he said that she drove her car and
2 dropped him off.

3 Q Dropped him off to do?

4 A At the stolen car, take him to the --
5 he said that he asked Patrick Pursley, you know,
6 what Samantha did. He said that she dropped him
7 off. And he said, "You know, like she always
8 does" or "at that time."

9 Q So the Crimestopper had implicated
10 Sam Crabtree in crimes?

11 A Well, he said it was her gun that she had
12 purchased and --

13 Q It was her gun that was used in the Ascher
14 homicide, is what he said?

15 A He said that it was her gun that she had
16 purchased. And he knew her name was Sam, but he
17 didn't know what her last name was.

18 Q And the Crimestoppers caller also had said
19 that Sam served as a getaway driver for the
20 murder, correct?

21 A I believe I -- that's what I recall.

22 Q And that she was a getaway driver for a
23 bank robbery as well?

24 A Well, she dropped him off, and then waited

1 for him to come back with the stolen car and get
2 in her car and go.

3 Q And that's what the Crimestoppers caller
4 had said? So at this point is Samantha Crabtree
5 also a suspect?

6 A Well, we haven't talked to her yet. You
7 know, I don't know.

8 Q She'd been connected to a murder and an
9 armed robbery. Being a getaway driver gives you
10 some criminal liability, doesn't it?

11 A I don't know what she did yet. We hadn't
12 talked to her.

13 Q You just know what the anonymous crime --

14 A We have an anonymous tip. Don't know who
15 the guy is or what it's about. So, you know, we
16 only have what he said. So, you know, I don't
17 know what else to tell you from there.

18 Q But Detective Forrester had written a
19 search warrant affidavit regarding these events
20 that included Sam Crabtree's involvement, correct?

21 A I don't have no idea about the search
22 warrant. I wasn't there. In fact, when he was
23 doing that, I was sitting on Ashland Avenue.

24 Q When Detective Pirages assigned you and

1 Detective Forrester to interview Sam Crabtree, you
2 were aware that she was suspected in these crimes
3 as well, weren't you?

4 A Well, I don't know what knowledge she had
5 of them. You know, she may have driven him to the
6 crime scenes and didn't know what he was doing.
7 We didn't know until we talked to her.

8 Q So describe the scene a little bit after
9 you stopped the foot chase of Mr. Pursley. You go
10 back to 1619 Evergreen. How many police cars are
11 on the street at that point?

12 A Couldn't tell you. I don't know. I don't
13 remember.

14 Q Were there two? Were there five?

15 A Could have been. Could have been two.

16 Q More than two?

17 A Could have been five. I don't know.
18 My car was there.

19 Q Your car was there. The other unmarked
20 van was there?

21 A There wasn't another van, I don't believe.

22 Q Sergeant Pirages' car was there?

23 A I'm sure his was. Lieutenant Gambini's
24 car was there.

1 Q Lieutenant Gambini's car; Detective
2 Scott's car?

3 A Now, whether or not they were on that
4 street, I don't know. They were, you know,
5 searching in the area. I don't know who all was
6 right out there, so.

7 Q And did Sergeant Pirages tell you and
8 Detective Forrester in person that you were
9 assigned to interview Sam Crabtree?

10 A Yes.

11 Q And what did he tell you at that point
12 about what he wanted you to interview her about?
13 Did he give you any details?

14 A No.

15 Q Did he give you a specific assignment?

16 A No, just take her in and see if she'll
17 come down and talk to you.

18 Q Did he say anything about the car, her
19 car?

20 A No. Detective Forrester did. I don't
21 recall if Sergeant Pirages said anything. I know
22 Detective Forrester asked her if it would be all
23 right if somebody else drives her car to the
24 public safety building. And she said that would

1 be fine, and she handed Detective Forrester the
2 keys. And I don't know who drove the car. And
3 I don't know if -- I don't recall who actually
4 drove her car in. And then he asked her when they
5 get it down there, would she consent to a search
6 of her vehicle? And she said: Yeah, that would
7 be fine.

8 Q To locate us in time here, you and
9 Detective Vincere started following Sam Crabtree
10 at about 1:15 in the afternoon, correct? Then
11 there is a foot chase that lasted about an hour?

12 A (Witness nods head.)

13 Q And you're reconvening at 1619 around
14 2:30 p.m. Does that sound right?

15 A Yeah, 2:40, somewhere in that area; what
16 we did is, we went -- Detective Scott had the
17 search warrant. And so we asked -- Lieutenant
18 Gambini was driving. Myself and Detective
19 Forrester and Samantha were in his car. And
20 we were on our way in.

21 Q Wait, pause. Let's back up for a minute.
22 We're not in the car yet. When Sergeant Pirages
23 asked you and Detective Forrester to interview
24 Sam Crabtree, where was Sam Crabtree?

1 A Sitting on the front porch with Mira -- is
2 it Foster -- Mira Foster, I think.

3 Q And who was Mira Foster?

4 A She is Patrick Pursley's -- her daughter
5 has a son with Patrick Pursley. So her grandson
6 is -- Patrick Pursley is the father and -- of her
7 daughter's kid.

8 Q And as Sam Crabtree is sitting on this
9 porch with Mira Foster, did you see any kids
10 around?

11 A Not that I recall.

12 Q And what are Sam and Mira doing on the
13 porch as you approach?

14 A Sitting there.

15 Q Just sitting there? Were they sitting on
16 the steps? Were they sitting on a chair? Do you
17 remember?

18 A I don't recall.

19 Q And what transpired there on the porch,
20 if you can describe for me?

21 A We asked her if she would come down and
22 talk to us about Patrick Pursley, and she said
23 she would.

24 Q So Detective Forrester asked or did you

1 ask her?

2 A Detective Forrester.

3 Q He asked her. And what did she -- she
4 said "yes"?

5 A Right.

6 Q Did she say anything else?

7 A Her kids were there. I don't know if
8 three of them or two of them, but Mira Foster
9 at that time said she would watch the kids until
10 she gets back. And she said that would be fine.

11 Then Detective Forrester asked her about,
12 if it would be okay if somebody else drove her
13 car in. And she said "yes," and gave Detective
14 Forrester the keys. Who drove it in, I don't
15 recall if it was Detective Hanson, or I don't know
16 for sure who it was that called them in -- or
17 drove that in.

18 Q Did Sam ask you how long you wanted her to
19 come with -- how long it would be that she would
20 be coming with you?

21 A No.

22 Q Did she say -- she didn't say, "How long
23 is this going to take?"

24 A No, I wouldn't have known.

1 Q You don't recall her asking that?

2 A No, she didn't ask that. I'm saying,
3 I wouldn't have known how long it was going to
4 take, so.

5 Q And did she ask if she could hug her
6 children before --

7 A I don't recall.

8 Q -- she went with you?

9 A I don't recall that. It's twenty -- it
10 was a long time ago. I just don't recall it.
11 I don't remember seeing them. So I wouldn't know
12 if she did that or not. If they would have been
13 there and she would have asked us, then we would
14 say, "Certainly," you know.

15 Q Did she ask whether or not she was going
16 to be coming back that night?

17 A Not that I recall, no.

18 Q You don't recall her asking any questions
19 at that point on the porch?

20 A Huh-uh, no.

21 Q And how did she get to the PSB?

22 A Lieutenant Gambini drove. And myself and
23 Samantha and Howard were in the car with
24 Lieutenant Gambini.

1 Q So Lieutenant Gambini was in the front
2 seat. Detective Forrester was riding shotgun?

3 A I believe he was in the passenger front
4 seat. And me and Samantha were in the back seat.

5 Q And what was her demeanor like during that
6 ride to the PSB?

7 A Fine.

8 Q What does "fine" mean?

9 A Kind of like what you are right now.

10 Q Did you have any conversation with her as
11 you drove her to the PSB?

12 A No. In fact, while we were driving,
13 that's when they asked us if we could stop by
14 her house because Detective Scott had the search
15 warrant, and he wanted to read her that and give
16 her a copy of it. So it's right on the way.
17 We stopped at her house. And when we got there,
18 Detective Scott read her a copy of the search
19 warrant and then gave her, her copy. And then
20 she gave him the keys to the apartment.

21 Q Were you -- where were you when Detective
22 Scott read her the search warrant?

23 A In the car.

24 Q You were still sitting in the car?

1 A Yes.

2 Q Was Ms. Crabtree still in the car as well?

3 A I believe she was, yes.

4 Q So Detective Scott brought the search
5 warrant over to the car and she signed it there?

6 A That's -- yes. I don't know if she signed
7 it. I don't recall if she signed it, but it was
8 read to her. And then she was given a copy of it,
9 and then she gave Detective Scott the keys to her
10 apartment.

11 Q And at this time you were still in the
12 back seat with Ms. Crabtree. And were Lieutenant
13 Gambini and Detective Forrester still in the car
14 as well?

15 A Yes.

16 Q So do you remember approximately what time
17 that occurred? Does 2:43 p.m. sound --

18 A Yes.

19 Q -- right to you? So what did you do next?
20 Did you -- what did you do next?

21 A They asked her where the guns were
22 located.

23 Q Did they go into her apartment first or
24 did they ask her immediately after --

1 A No, I think she -- she told them where
2 the guns were located. So then they went in and
3 they searched and they found one gun, but they
4 couldn't find the other one. And so they came
5 back out and they asked Samantha if she had any
6 other idea where that gun might be. And so
7 Samantha said that she'd show them where she
8 last seen it. So she went back up into her
9 apartment with them, and, I'm assuming, pointed
10 out where the gun was. I don't know. I wasn't
11 in there, so.

12 Q So let's rewind for a second. First,
13 Detective Scott read her the search warrant.
14 Then who asked Ms. Crabtree where the guns were?

15 A I'm not sure. I would imagine it was
16 Detective Scott. You know, I'm not sure if -- you
17 know, if they were looking, they couldn't find
18 them and came out; or I'm not sure how that -- all
19 I know is that they found one gun. And she went
20 up and helped them find the other one.

21 Q Did you hear the conversation where
22 Detective Scott said, "Where are your guns?"
23 And what answer did she give?

24 A I don't know what she explained to them,

1 you know, where they were located at.

2 Q Were you sitting right there next to her?

3 A I might have been out of the car standing
4 by the car, and she might have gotten out right
5 there and was talking to them. I don't know.
6 We were all right there. So whatever was said,
7 I'm sure -- I just don't recall it.

8 Q You don't recall where she said her guns
9 were located --

10 A Right.

11 Q -- to Detective Scott?

12 A Right. They were doing a search warrant
13 and had nothing to do with that, so. I just don't
14 recall what she said to them, where they were at
15 or anything about it.

16 Q You just recall that Detective Scott asked
17 her, "Where are your guns?" And she gave an
18 answer, but you don't recall what the answer was.
19 Is that your testimony?

20 A As much as I can recall about it, that's
21 what I remember. I don't know if it's from the
22 report; or, you know, like I said, you know, it's
23 either in the report or I don't know.

24 Q Or your recollection?

1 A Right.

2 Q At this time how many squad cars are on
3 the street, would you -- would you --

4 A At her house?

5 Q Yes.

6 A Ours, and I'm sure -- I don't know how
7 many were doubled up. Detective Scott would have
8 had his car there. I believe Detectives Ekedahl
9 and Hanson were there. Jeff Houde would have
10 had his ID vehicle there. I believe Lon
11 Christenson from the FBI was also there. So
12 I'm assuming his vehicle was there. Other than
13 that, I don't know if Ekedahl and Hanson came in
14 one car. I don't know who was in what car, but
15 it could have been probably four or five cars.

16 Q And your recollection is that the officers
17 executing the search warrant went into the
18 apartment. They had to go upstairs, correct?
19 Do you remember that?

20 A It was an upstairs apartment, so.

21 Q And you waited outside with Sam Crabtree?

22 A Yes.

23 Q Were you standing -- standing outside at
24 this time or were you sitting in the car?

1 A While I could have been standing out
2 talking to somebody, or, you know, I don't know.
3 I just don't recall.

4 Q Why were you waiting there at that point?

5 A Well, I would imagine to -- in case there
6 was a problem with trying to locate anything.
7 You know, they went in and she gave them the keys.
8 And they went in and searched the place. And they
9 came out and I just remember somebody saying that
10 they found one of the guns, but they couldn't find
11 the other one.

12 Q Do you remember if they named the gun that
13 was found?

14 A No.

15 Q They didn't say they found a particular
16 brand of gun? They couldn't --

17 A They would have known, but -- you know,
18 I'm assuming they would have known, whoever was
19 searching for them, but I didn't.

20 Q Do you remember who came down and told
21 Sam that they only found one gun?

22 A I think -- I'm not sure. I'm assuming it
23 was Detective Scott, but it could have been
24 somebody else. I don't know.

1 Q You don't -- can't remember?

2 A Could have been any one of them that -- it
3 wouldn't have been Houde, you know, from ID.
4 So it would have been one of the other detectives
5 or Scott. I'm assuming it was Scott, but I don't
6 -- personally I just can't recall.

7 Q At this point Sam goes upstairs into the
8 apartment.

9 A Yes.

10 Q Did you accompany her?

11 A No.

12 Q Did any of the officers in the squad car
13 with you accompany her?

14 A No.

15 Q So she went upstairs with --

16 A One of the officers that were -- that's
17 why I think it was Detective Scott, but I can't
18 be positive of it.

19 Q So how long was she upstairs, would you
20 estimate?

21 A Not very long, I don't know. I don't
22 know, five, ten minutes.

23 Q And when she returned downstairs, did she
24 come down with a detective?

1 A Sure.

2 Q Was that Detective Scott?

3 A Could have been.

4 Q But you don't recall exactly?

5 A No, I don't recall.

6 Q And --

7 A Could have been two detectives who walked
8 her down. I don't know.

9 Q What, if anything, do you recall Detective
10 Scott -- or whoever was -- whichever detective it
11 was -- and Sam saying at that point when she came
12 downstairs?

13 A Nothing.

14 Q You don't recall any type of conversation
15 about the search that was taking place?

16 A No.

17 Q Did Sam say anything about not knowing
18 where her gun was?

19 A No. In fact, that's why -- the best I
20 can recollect, she told him where the guns were
21 located. Then they looked and they found one,
22 but they couldn't find another one. And I don't
23 know how that all came about or, you know, which
24 one they found or, you know, what it was. And

1 then they came down and asked her if she would
2 show them where the other one -- you know, where
3 she had last seen it. And she said, "Sure," and
4 she went up and took them up there.

5 Q And you don't know what happened after
6 that?

7 A No, she was in the house. I --

8 Q You never asked her about that when she
9 got back --

10 A No.

11 Q -- to the vehicle?

12 A (Witness shakes head.)

13 Q So when she got back to the vehicle what
14 happened next?

15 A We continued on to the public safety
16 building.

17 Q And it was Lieutenant Gambini --

18 A Driving.

19 Q -- Detective Forrester, you in the back,
20 Sam Crabtree?

21 A That's correct.

22 Q The four of you; did she understand why
23 you were taking her to the police station?

24 A Yes.

1 Q You told her you wanted to take her there
2 to ask her some questions?

3 A We told her we wanted to talk to her about
4 Patrick Pursley.

5 Q You told her that on the porch, that you
6 wanted to talk about Patrick Pursley?

7 A Yeah.

8 Q Was there any reason why you couldn't ask
9 her questions about Patrick Pursley at Mira
10 Foster's house?

11 A Because we wanted to interview her on
12 these -- on this information.

13 Q Was there any reason why you couldn't
14 interview her at Mira Foster's house?

15 A It's a little distracting. That, and my
16 sergeant said, "See if she'll go with you to the
17 public safety building and talk to you."

18 Q What if she had said "no" on the porch?
19 What if she had said, "I don't" --

20 MR. IASPARRO: Objection; let you finish
21 your question.

22 BY MS. TINGSTAD:

23 Q What if she said, "I don't want to go
24 with you"?

1 MR. IASPARRO: I object to foundation and
2 calls for speculation.

3 BY MS. TINGSTAD:

4 Q You're a police officer. What would you
5 have done if she had not agreed to go to the
6 station with you?

7 MR. IASPARRO: Same objection.

8 THE WITNESS: I would have looked at
9 Sergeant Pirages and said, "What do you want to
10 do," to be honest with you.

11 BY MS. TINGSTAD:

12 Q Where did Sergeant Pirages go after
13 Mira Foster's house?

14 A I don't know. He might have gone to the
15 house. He might have been -- in fact, I think
16 he was there with the search warrant, when they
17 did the search warrant. Is that right?

18 Q Yes, I see that, according to Detective
19 Scott's report.

20 A I couldn't remember who all was --
21 Ekedahl; Girardi might have even been there.
22 I'm not sure.

23 Q So as you drove from 901 Ashland to the
24 PSB, do you recall having any conversations with

1 Ms. Crabtree at that point?

2 A No.

3 Q Do you recall the other detectives in the
4 car having any conversations about the search
5 warrant?

6 A No.

7 Q Was it a silent ride?

8 A Pretty much, it's only a few blocks.

9 Q Did you tell Sam Crabtree on the porch
10 before she got in the car with you -- did you
11 tell her that you were going to take her to
12 her apartment --

13 A We didn't know.

14 Q -- because there was a search warrant?

15 A We were going to take her to the public
16 safety building. And that's when they asked if
17 we could swing by there, so they could serve her
18 with a copy of the search warrant.

19 Q So she wasn't aware that that's where you
20 were going to go first?

21 A I wasn't aware of it, so, no.

22 Q Neither of you were aware of it. When
23 you became aware of it, did you tell Ms. Crabtree,
24 "We're going to go by your apartment"?

1 A They asked her if it would be all right
2 and she said, "Sure." We informed her that, you
3 know, "They have a search warrant for your house;
4 is it all right if we stop by there on the way
5 into the station?" She said, "Yeah."

6 Q Did anybody tell Ms. Crabtree at that time
7 that she wasn't required to comply with the search
8 warrant immediately?

9 MR. IASPARRO: The search warrant?

10 THE WITNESS: Well, you know, we wouldn't
11 have had to stop by there and get her car -- or
12 her house keys. They could have kicked the door
13 in. He had a valid search warrant. It wasn't
14 like she had a choice of -- they're going to
15 execute the search warrant or not.

16 BY MS. TINGSTAD:

17 Q She didn't have a choice?

18 A No, it's a search warrant issued by a
19 judge.

20 Q So you said that you were at the apartment
21 for how long approximately before you headed to
22 the PSB?

23 A The warrant was read to her at 2:43, I
24 believe; and we were at the PSB at 3:15. So, you

1 know, the driving time, it's all so close. You
2 know, you're only talking blocks. So, you know,
3 it's -- by the time they looked, and then she went
4 up and came down, you know, I don't know if it
5 could have been ten, you know, five to 15 minutes,
6 you know, not a long time.

7 Q So you arrive at the public safety
8 building at 3:15 p.m. And what did you do next?

9 A Samantha Crabtree was taken to one of the
10 interview rooms in the detective division.

11 Q What is the interview room like?

12 A It's a small room with plain walls; had a
13 table and three chairs.

14 Q Did it have any windows?

15 A No.

16 Q How small -- can you give me approximate
17 dimensions?

18 A God, it's been a long time, maybe 5 or
19 6 X 7, somewhere in that area. I'm not sure.
20 It's -- they're just a small interview room,
21 8 X 7 X 9. You know, they're not -- they're not
22 huge rooms.

23 Q And when you got to the PSB and you placed
24 her in an interview room, what was her demeanor

1 like at that point?

2 A She was fine.

3 Q Did she use the restroom or anything?

4 A I don't recall if -- you know, when she
5 used it. Anytime she asked to use the restroom,
6 it was right -- right by the interview room. She
7 was allowed to go to the bathroom.

8 Q So at that point who was in the interview
9 room with Sam?

10 A Well, it would have been Detective
11 Forrester, me and Sam.

12 Q So three people?

13 A Right.

14 Q Do you recall how you started asking
15 questions of her at this point?

16 A Yes.

17 Q Do you recall who started asking the
18 questions?

19 A Detective Forrester was talking to her.
20 I was just sitting in there. Detective Forrester
21 was at the table with her. Samantha would have
22 been sitting there and they were talking.

23 Q Did anybody have a note pad and pen?

24 Do you recall anybody -- either you or Detective

1 Forrester taking notes?

2 A Absolutely, I'm sure.

3 Q Were you taking notes?

4 A I don't recall if I did or if Howard was
5 taking them. He was the one -- he had the
6 information from the Crimestopper and all the
7 other stuff. So, you know, he -- I would assume
8 that he was probably taking all the notes.

9 Q During this part of the interview, were
10 you -- did you stay in the room the entire time?

11 A During the -- yeah.

12 Q This, between 3:15 --

13 A And 5:00?

14 Q And 5:00?

15 A Yes.

16 Q You stayed in the whole time?

17 A Right.

18 Q And what do you remember about what
19 Detective Forrester was asking Sam at the time?

20 A At that time he was just asking her
21 general information. He was asking her, you know,
22 about Patrick Pursley, when they met, how long
23 they lived together, where they lived at, height,
24 weight, general information like that. Talked to

1 her about just general stuff. And then I know
2 he asked her about, you know, either one of them
3 had a drug problem. She said that, you know, she
4 didn't use cocaine, but she did use marijuana; but
5 Patrick used cocaine, things to that extent.
6 It was, you know, just descriptions and what
7 she knew about Patrick.

8 Q When Detective Scott -- skipping back
9 to the search warrant being read to her; when
10 Detective Scott was reading her the search
11 warrant, did -- was she advised of the charges
12 or the charge -- the allegations against
13 Mr. Pursley at the time? Did she know why the
14 search warrant was issued?

15 A I -- I don't know.

16 Q Did Detective Scott say anything about:
17 This search warrant is pursuant to an
18 investigation into the death of Andrew Ascher?

19 A I don't recall what Detective Scott said
20 to her.

21 Q Did Detective Forrester tell Sam why he
22 was asking her questions about Mr. Pursley?

23 A Well, at that time we had a warrant for
24 him for another incident. You know, I'm sure he

1 asked, you know, about her guns; asked her if,
2 you know -- when she got those; and if anybody
3 handled those guns, you know, who? Asked her who
4 might have handled those guns. And she said
5 the only persons that would have touched those
6 guns were her or Patrick. And --

7 Q She didn't say anything about lending the
8 gun to Marvin Windham?

9 A No.

10 Q Or lending the gun to Lester Brown?

11 A At that time we didn't even know who
12 Marvin Windham was.

13 MR. IASPARRO: Fair point.

14 BY MS. TINGSTAD:

15 Q Fair point; she didn't mention Marvin
16 Windham's name in that initial interview?

17 A No.

18 Q What else did Detective Forrester talk
19 with -- talk about with Sam Crabtree during that
20 first hour and 45 minutes?

21 A You want to give me his report? I can
22 review it, but I don't recall the --

23 Q You don't recall if he told her that
24 Mr. Pursley was wanted for murder?

1 A That he was wanted for murder? No, he
2 wouldn't have said that because he wasn't at
3 that point.

4 Q Would he have -- do you recall if
5 he told Samantha Crabtree that Patrick Pursley was
6 a suspect in a murder?

7 A I don't recall if he did at that time or
8 not, or if it was the second interview. I'd have
9 to see his report to --

10 Q Mr. Schmidt --

11 A I'm going off of his report from 27 years
12 ago, so.

13 Q Mr. Schmidt, you didn't draft a report
14 about your investigative activities from this day,
15 June 10th, 1993?

16 A No, Howard did.

17 Q And it's your testimony that Detective
18 Forrester's report covered all of your activities?

19 A Yes.

20 Q And so, therefore, you weren't required to
21 write your own report about June 10th, 1993?

22 A That's correct. Well, I did reports on
23 June 10th from the surveillance and stuff; but
24 I didn't -- or excuse me. Joe Vincere's report

1 covered me and him setting up on that
2 surveillance. And then I don't recall anything --
3 Detective Forrester's report covers me in what
4 we did from the time we got to the public safety
5 building while -- from going from the porch to
6 the public safety building and on.

7 Q Would you have had a conversation with
8 Detective Forrester about which one of you was
9 going to write the report about -- regarding these
10 activities of June 10th?

11 A Probably not, it was his case. So, you
12 know, he's the one that had the Crimestopper
13 information. He's the one that obtained the
14 search warrant. He's the one that obtained the
15 arrest warrant for Woodlawn. He's the one that
16 got the warrant for Samantha. So, now it was
17 pretty much his report.

18 Q So during that first conversation in --
19 between 3:15 and 5:00 p.m., did you ask any
20 questions?

21 A I don't think so.

22 Q You just sat there silently?

23 A I listened, yes. I could have
24 interjected, you know, if -- if he's talking

1 about something and I remembered something, I
2 might have said something. You know, I just --
3 I don't recall offhand what it would have been.

4 Q Was it unusual for two detectives to
5 interview a witness?

6 A No.

7 Q That was a normal practice?

8 A Yes.

9 Q At this point did you consider
10 Sam Crabtree to be a witness or did -- did you
11 consider her to be a suspect?

12 A Could have been both.

13 Q And at this time that she's sitting in
14 the interview room at the PSB, her car was in the
15 station, having been driven there by a different
16 officer?

17 A Yes.

18 Q Right? And she consented to a search of
19 that car?

20 A Yes.

21 Q At this point she couldn't just drive away
22 in that car, could she?

23 A I don't know how to -- a car didn't do
24 nothing, so, you know.

1 Q Could she have asked for her car back and
2 just driven home at that point?

3 A Well, probably not.

4 Q Why not?

5 A Because we were talking to her, and
6 she never asked. So, you know, again, these are
7 hypotheticals. What if? You know, would have,
8 could have, should have. You know, it never came
9 up.

10 Q At that point you weren't going to let her
11 leave, were you?

12 A It never came up. It wouldn't have been
13 my call anyway.

14 Q During this hour and 45 minutes, did she
15 eat anything?

16 A She was offered. She didn't want anything
17 to eat. She just wanted to smoke.

18 Q Was she smoking in that room?

19 A Yes.

20 Q Did she drink anything?

21 A Yes, she did. She had two cans of pop and
22 some water.

23 Q During this time did she say anything
24 about her children? Did she worry about her

1 children?

2 A At which time?

3 Q During this time between 3:15 and 5:00?

4 A No.

5 Q Was Sam asked about her whereabouts on
6 April 2nd, 1993, during this time frame?

7 A I'd have to look at his report.

8 Q Let's mark that.

9 (Discussion off the record commencing at
10 2:39 p.m. and concluding at 2:40 p.m.)

11 MR. IASPARRO: Ashley, before we jump
12 into this, can we take a two-minute bathroom
13 break?

14 MS. TINGSTAD: Sure.

15 (A brief recess was taken commencing at
16 2:40 p.m. and concluding at 2:41 p.m.)

17 (Discussion off the record commencing at
18 2:41 p.m. and concluding at 2:42 p.m.)

19 (Exhibit 3 was marked for identification.)

20 (Discussion off the record commencing at
21 2:42 p.m. and concluding at 2:44 p.m.)

22 (A brief recess was taken commencing at
23 2:44 p.m. and concluding at 2:50 p.m.)

24 (Exhibit 3 was re-marked for

1 identification.)

2 MS. TINGSTAD: All right. We can go back
3 on the record.

4 Q For the record, we've marked as Schmidt 3,
5 a police report with a Bates number RFD Defense
6 107 through RFD Defense 121. Before we get into
7 this report, I have a few other questions about
8 what was going on at the PSB after you arrived at
9 3:15 p.m.

10 So once you arrived at the PSB at
11 3:15 p.m., did both you and Detective Forrester
12 walk with Sam into the building?

13 A Yes.

14 Q Did you go straight to an interview room?

15 A We went into the detective division, and
16 then she was seated in an interview room.

17 Q And at that time did you leave her in
18 the interview room for a while before you started
19 questioning her?

20 A I don't recall.

21 Q You don't recall if Ms. Crabtree was
22 placed in the detect- -- in the interview room
23 and the door was closed while you and Detective
24 Forrester did something else?

1 A Could have been.

2 Q Would you have had to gather your
3 documents and your note pads and things like that
4 in preparation for the interview?

5 A Would we have left them in there?

6 Q Or did you have to go gather them?

7 A I don't know if we had any, to be honest
8 with you.

9 Q It's possible that Sam -- that you might
10 have left Ms. Crabtree waiting in the interview
11 room for some time before --

12 A No.

13 Q -- you began the interview?

14 A No, we wouldn't have left her in the
15 interview room and gone off and done something,
16 no.

17 Q Could she have been waiting in the
18 interview room for some period of time?

19 A I'm pretty sure that we were -- one of us
20 was always there. Like, if Howard is talking to
21 her and she wanted a pop, I might have went and
22 been the one that went and got the pop. If she
23 asked to use the restroom, you know, one of us
24 would have just walked her around the corner there

1 to the bathroom, you know, that kind of stuff.

2 But as far as just leaving her in this room by
3 herself, no, it wouldn't have happened.

4 Q You're certain that that wouldn't have
5 happened?

6 A Not -- not that I recall.

7 Q Or you just don't remember that it
8 happened, whether it happened or not?

9 A I can't imagine doing that, so.

10 Q Why not?

11 A Huh?

12 Q Why not?

13 A Why would I leave somebody in the room by
14 themselves? You know, if we stepped outside to
15 talk, you know, that could have been, you know,
16 to -- you know, for whatever reason; but not to
17 leave her and then walk away and do something and
18 leave her in there for 10, 15, 20 minutes by
19 herself.

20 Q And you mentioned that if she needed to go
21 to the restroom, one of you would have walked out
22 and accompanied her to the restroom?

23 A Yeah.

24 Q Why would you accompany her to the

1 restroom?

2 A Show her where it was at. It's just a
3 couple doors down.

4 Q Would you wait outside the restroom until
5 she finished?

6 A Well, I wouldn't stand right at the door,
7 but I'd be where I could see.

8 Q And why would you be waiting where you
9 could see?

10 A Because I'm waiting to interview her.

11 Q You're -- so you want to make sure that
12 she goes back into the interview room after she
13 uses the restroom?

14 A Right. Doesn't turn and go the wrong way
15 into the evidence room or, you know, which was
16 right next door to the bathroom, whatever.

17 Q Or that she doesn't turn and walk out of
18 the building?

19 A Yeah.

20 Q So you testified that the first part of
21 the interview went from about 3:15 p.m. to
22 5:00 p.m.?

23 A Right.

24 Q An hour and 45 minutes; during that time,

1 was there ever a moment that any other detective
2 came and knocked on the door and had a message for
3 you and/or Detective Forrester?

4 A I don't recall.

5 Q Did you receive any information about the
6 results of the search of 901 Ashland during that
7 first hour and 45 minutes?

8 A Did I receive results of it? No, not
9 that I -- I don't know what you mean by that.

10 Q Did anyone give you information about what
11 had been found at 901 Ashland?

12 A Not while we were interviewing her.

13 Q So at 5:00 p.m. -- actually, let's look at
14 Exhibit 3. Do you recognize Exhibit 3?

15 A Uh-huh.

16 Q What is it?

17 A It's Officer Forrester's report.

18 Q This report at the very top has a start
19 date of June 8th, 1993?

20 A Yes.

21 Q 1:50 p.m., 13:50 p.m.?

22 A Yes.

23 Q Yeah. And at the bottom it has a date of
24 June 18th, 1993 --

1 A Yes.

2 Q -- in Box 379? And that would be the day
3 that Detective or Sergeant Pirages signed off on
4 it, correct?

5 A That's correct. Excuse me.

6 Q So Detective Forrester in this report
7 starting on page six, and going through page nine,
8 details or describes the contents of the interview
9 with Sam Crabtree between 3:15 p.m. and 5:00 p.m.?

10 A That's correct.

11 Q You testified to Detective Forrester,
12 talking about asking her general information about
13 she and Mr. Pursley?

14 A Yes.

15 Q Do you also recall Detective Forrester
16 asking Ms. Crabtree about a guy named Tramp?

17 A Yes.

18 Q Do you recall that Detective Forrester
19 showed Ms. Crabtree photos --

20 A Of the bank robbery?

21 Q -- of the bank robbery?

22 A Yes.

23 Q Do you recall -- at the top of page eight,
24 do you recall Detective Forrester talking with

1 Samantha about buying another gun?

2 A Yes.

3 Q From your recollection of this interview,
4 do you understand why Detective Forrester would
5 have written: "She also bought another gun"?

6 A Well, probably because she bought two
7 guns; and we had the bill of sales from the
8 Bullet Stop. Well, we didn't have about the
9 second gun, but I would imagine that that one
10 came from the fact that there was two guns at
11 her apartment when they executed the search
12 warrant.

13 Q I'm just going to read this first part of
14 the paragraph at the top of page eight:

15 "Samantha stated that she also bought
16 another gun. She stated that it was a Beretta
17 9-millimeter, 16-shot, model 92F, and it was black
18 with black grips. She stated that she had \$200
19 and Patrick gave her the other 320 she needed to
20 get the gun. Samantha was asked about any other
21 guns they may have. She stated that she has
22 another 9-millimeter. She stated that it is a
23 Taurus 9-millimeter, 16-shot, that it (sic) has
24 brown wood grips on a black gun."

1 THE REPORTER: I'm sorry, brown wood
2 grips?

3 MS. TINGSTAD: On a black gun.

4 THE REPORTER: Brown grips on a black gun?

5 MS. TINGSTAD: Uh-huh.

6 MR. IASPARRO: Wood, brown wood.

7 MS. TINGSTAD: Brown wood grips on a
8 black gun.

9 Q Do you remember that part of the
10 conversation?

11 A Uh-huh, yes.

12 Q Do you -- Samantha first talked about the
13 Beretta, and then she was asked about any other
14 guns. And then she said she had another one?

15 A Right.

16 Q At that point in the interview did
17 Detective Forrester ask Sam about the gun that --
18 that the detectives weren't able to locate in
19 her apartment?

20 A They located both guns in her apartment.

21 Q They hadn't located the second gun?

22 A They located that before we ever left
23 there. That's what they took her up for, to look
24 for the other gun. Are you talking about during

1 the search warrant?

2 Q Yes.

3 A Yeah, both guns were recovered.

4 Q You testified earlier, and I think you
5 were referring to Detective Forrester's report,
6 top of page six. In the middle of the paragraph
7 at the top of page six, it says: "The detectives
8 came down a short time later and stated they had
9 located one of the 9-millimeters but could not
10 locate the other. Samantha then agreed to go up
11 and point out where she had last seen the other
12 gun."

13 A Yes.

14 Q "She then came back down." This report
15 doesn't say that the other gun was located at
16 that time.

17 A What does the search warrant report say?

18 Q What makes you believe that the other gun
19 was located at that time when Sam went upstairs?

20 A The ID officer collected it. The FBI
21 agent was there, four other detectives; and they
22 recovered two guns.

23 Q So the ID officer collected it. Do you
24 know whether the ID officer collected it at the

1 time that Samantha went upstairs?

2 A I couldn't tell you. I wasn't up there.

3 Q So you don't know whether or not she
4 showed them where she had last seen the gun or
5 whether she showed them where the gun was at that
6 time?

7 A You'd have to ask them. I don't know.
8 I wasn't there.

9 Q Okay. Back to page eight, in that same
10 paragraph, the first full paragraph on page eight;
11 do you recall Samantha talking about storing the
12 Taurus under her waterbed mattress?

13 A Storing it?

14 Q Yes, or placing it under her water --

15 A Yeah. To hide it from -- she said that
16 she didn't tell Patrick about it for a couple
17 weeks, or whatever she said here, until he found
18 it under the water mattress. For the first two
19 weeks she didn't tell him that she had the gun,
20 and then she told him after he found it under the
21 waterbed mattress.

22 Q So Samantha was asked about her guns.
23 And then she was asked if she had any knowledge of
24 Patrick being involved in a murder of a white male

1 on the east side?

2 A Yes.

3 Q And her response was, she heard about the
4 murder from a friend, Jill Deadmond?

5 A That's correct.

6 (Whereupon, there was a brief
7 interruption.)

8 BY MS. TINGSTAD:

9 Q Do you recall Detective Forrester's
10 conversation with Ms. Crabtree at this point about
11 how -- whether she knew about the murder of
12 Andy Ascher? Do you recall that?

13 A Yeah.

14 Q Do you recall whether Ms. Crabtree said
15 that when she was asked about Patrick's
16 whereabouts on that evening, do you recall her
17 saying, "We were probably at home"?

18 A That she said she was at home?

19 Q Yes.

20 A No, no, she said Patrick wasn't at the
21 house during that time.

22 Q So she didn't say at first -- when she was
23 first asked, she didn't say, "We were probably at
24 home"?

1 A No. She was -- she was familiar with
2 Andy Ascher. She said that she knew him, and
3 knew Becky and her -- because those girls all
4 went to school together, so. And she said when
5 she talked to Jill, that her -- that's when, you
6 know, Jill told her about Andy being shot and
7 stuff. And then when Detective Forrester asked
8 her, you know, if she had taken him anywhere and
9 dropped him off, she said, "No." And then she
10 said that she wasn't -- Patrick wasn't home during
11 that time.

12 That's when she said that he had called
13 her and told her to come and pick him up. And
14 she says she just thought that was really strange
15 because he's never -- he usually doesn't go on
16 that end of town. And he's never called her to
17 come and pick him up before. When -- she said
18 that she went to 11th Street and Harrison to pick
19 him up, 11th Street and Harrison at the Stop-N-Go.

20 Q 11th and Harrison is pretty far from the
21 scene of the Ascher homicide, isn't it?

22 A Yeah, it's just -- I don't know how far,
23 but, you know.

24 Q It would be far by foot, wouldn't it?

1 A By foot? Yeah.

2 Q And Samantha was also asked about if she
3 had any knowledge of a Burger King -- of Patrick
4 robbing a Burger King. Do you recall that?

5 A Yeah, I remember. I don't know much about
6 that case, but she said that Patrick told her,
7 you know. I don't know at which point, but
8 Forrester worked on that case. I don't know
9 anything about that really.

10 Q And what did Forrester tell her about that
11 case, do you remember? Did he tell her what time
12 it occurred?

13 A No, she -- she said that, you know, like
14 everything else, Patrick often left at, you know,
15 4:30 in the morning, would come back at, you know,
16 11:00 in the morning and use her car and stuff
17 like that, but, you know.

18 Q Uh-huh. Did she talk generally about
19 Patrick being absent from home a lot? Did she say
20 he was out a lot at night or out a lot?

21 A I don't know if it ever came up.

22 Q Okay.

23 A Not during this time.

24 Q So she was just asked about specific

1 dates?

2 A No, she wasn't asked about -- she was
3 asked about specific incidents that we were
4 looking into, like the bank robbery where, you
5 know, they asked if she drove her -- you know, if
6 she knew anything about it. She said she didn't.
7 And then she would go on to say that: "Oh, I
8 remember it was a Wednesday because it was Whopper
9 Wednesday." And Patrick asked her to drive him
10 over to this place.

11 He had a backpack. And she dropped him
12 off at a car, but she didn't really know what he
13 was doing. He told her to park here and wait for
14 him. And then she says, "I did what he said, and
15 he came, drove up behind me." She said, "I didn't
16 know what he did, but I figured a car might have
17 been stolen," because he got out of that car and
18 jumped in her car. And then they went home, so,
19 you know, things like that. But it wasn't, like,
20 on this date and time did you do this?

21 Q Uh-huh.

22 A Or, no.

23 Q So she said -- she told you that
24 information about what she remembered about the

1 date of the bank robbery. She told you that
2 between 3:15 and 5:00 p.m., according to this
3 report?

4 A Hang on a second. Samantha stated that
5 she heard -- oh, Detective Forrester asked
6 Samantha if she had any information that
7 Patrick Pursley had robbed a bank and it was
8 possible that her car was used. She stated she
9 knew nothing about it. She said then, that's when
10 she'd go in -- I do recall that on a Wednesday, it
11 was a Whopper Wednesday because she remembers
12 that, and she works at Burger King, and remembered
13 that Patrick had her drive her and so on and so
14 forth, but --

15 Q That was from page seven of this report?

16 A Right.

17 Q And so she gave that information
18 regard- -- when she was asked about the bank
19 robbery, information about --

20 A About Patrick's involvement --

21 Q -- being in a car?

22 A -- in it. And she said she didn't know
23 anything about that.

24 Q And then regarding the murder here, it

1 says that she was asked about his whereabouts and
2 he wasn't in the apartment, but she was in the
3 apartment, is what she said on page eight,
4 correct?

5 (Mr. Iasparro and Mr. Pottinger confer
6 outside the hearing of all outside parties.)

7 THE WITNESS: It doesn't say she says
8 she was there. It says that she stated that he
9 was not at the apartment during that time and he
10 was gone somewhere. And unless you see something
11 different than I do; I don't see anything where it
12 says she was there during that time.

13 BY MS. TINGSTAD:

14 Q Do you have any independent recollection
15 of Detective Forrester asking Samantha: "If it
16 was proved that your gun was involved with the
17 murder, what would you say"? Do you have an --

18 A Yes.

19 Q -- independent recollection of that?
20 And do you recall what her answer was?

21 A Yeah.

22 Q What was it?

23 A She said, "If my gun was used in a
24 homicide, it was Patrick," because her and

1 Patrick were the only ones that ever touched
2 that gun.

3 Q She said that?

4 A Yes.

5 Q That's not written in this report, is it?

6 A It isn't?

7 Q I don't see it.

8 MR. IASPARRO: On page eight.

9 BY MS. TINGSTAD:

10 Q Bottom of page eight? No. On the bottom
11 of page eight, I don't see anything where it says
12 that she and Patrick were the only ones who
13 touched the gun.

14 A That was earlier during this -- this time.
15 But when asked about the gun, she said, "If my gun
16 was involved in the murder, then Patrick would
17 have done it."

18 Q That's what she said?

19 A Right.

20 Q And you recall that independently --

21 A Yes.

22 Q -- from this report? Do you recall
23 anything else about this initial interview that
24 isn't reflected in Detective Forrester's report?

1 A No.

2 Q So what happened at 5:00?

3 A At 5:00 we came out of the interview room.
4 We were done talking to her. We got the general
5 information between -- you know, about her and
6 Patrick's relationship and where they lived and
7 height and weight and all this stuff. Then we
8 went and we met with Assistant Deputy Chief
9 Dominick Iasparro and Sergeant Pirages and
10 reviewed what we had talked to her about. And
11 at the time it was decided that we were going to
12 advise her of her Miranda rights and now question
13 her about these incidents.

14 Q What did she say in that first part of the
15 interview that caused you to decide to Mirandize
16 her at this point?

17 A Well, it was just general information.
18 She always kept herself out of it. She wasn't
19 involved in nothing. She didn't know that he did
20 anything and stuff, where now we're going to talk
21 to her about: We got a Crimestopper information,
22 you know, right on down the line, from the bank to
23 how much money they got to, you know, the stolen
24 car, right on down the line. We were going to

1 talk to her about that.

2 Q So she didn't say anything in that initial
3 interview that implicated herself or necessarily
4 implicated Patrick in these crimes, is what you're
5 saying?

6 A No, no, you know, it wasn't, like:
7 "I knew Patrick did that, I knew" -- no, no.
8 It was just general, always just on the outskirts
9 of everything. She would -- you know, you know,
10 "I picked Patrick up here, but, you know, I didn't
11 drop him off anywhere," or, "We went to -- you
12 know, he had me drop him off at this car and then
13 told me to wait here, but I didn't know what he
14 was going to do. I didn't know that he was going
15 to rob a bank in the initial thing." You know, we
16 just let her give her account of what she knew
17 about Patrick. And then that's when we decided to
18 Mirandize her and now we're going to question her
19 on that.

20 Q So is it --

21 A That makes sense.

22 Q -- fair to say that -- is it fair to say
23 that she didn't give you any new information -- or
24 let me strike that.

1 You said a minute ago that you decided to
2 Mirandize her so you could ask her questions about
3 what the Crimestopper had said, right?

4 A No. Well, we Mirandize her because now
5 we're going to start accusing her. She -- there
6 was no question that she was involved in some of
7 these incidences, you know. It was just -- you
8 know, so we're going to talk to her about that.
9 How much involvement she had remained to be seen.
10 We didn't know.

11 Q So why did you -- why do you say that
12 there is no question about her involvement at that
13 point?

14 A That's what we were going to determine.

15 Q So there was no question at the point
16 where you decided to Mirandize her; there was no
17 question --

18 A That we were going to question her as to
19 her involvement in these cases.

20 Q You are -- and you had the information
21 from the Crimestopper about her alleging her
22 involvement in these cases before you even picked
23 her up at Peachy Foster's house, right?

24 A We had an unknown person who called in --

1 Q Right.

2 A -- claiming stuff, but we don't know what
3 motive he had to say anything. We didn't know
4 what she actually knew about it until we talked
5 to her.

6 Q So when you talked to her, what about what
7 she said gave you the information you felt you
8 needed to start accusing her of what the
9 Crimestopper said she did?

10 A It was nothing that she -- it was just
11 that she was always right there on the outskirts
12 of it. We just got general information from her.
13 That's all that was, just her, you know, story of
14 what she did. You know, she didn't know anything;
15 but yet she dropped him off and then came by this
16 with this gray car, and she just assumed it was
17 stolen. She really didn't have any knowledge,
18 that stuff. Well, all this stuff fit with what
19 the Crimestopper had reported to us. But we
20 didn't have any -- we didn't know who he was at
21 that time, you know, other than what information
22 he gave. Everything that he gave was coinciding
23 with what we knew of the cases. So it was
24 pretty -- pretty close.

1 Like, he knew that -- he said that Patrick
2 told him he got \$16,000 from the bank robbery.
3 Well, that was never publicized. He actually got
4 16,400, minus whatever he threw down on the
5 ground, so to throw the police off, according to
6 the Crimestopper. But there was things that,
7 you know, like, you know, we had a stolen car
8 that was used in the bank robbery. He had that
9 information. He had -- knew that Sam was his
10 girlfriend and Sam had purchased these guns.
11 Found out that she did. In fact, she had a valid
12 Firearm Owners I.D. card, FOID card. And she
13 legally purchased the -- first, the Taurus in
14 February. And then she purchased the Beretta
15 with proceeds from the bank robbery that they
16 later got.

17 Q So regarding the Crimestopper
18 talking about Samantha purchasing two guns --
19 scratch that. So what was the content of your
20 conversation with -- what is it -- Assistant
21 Deputy Chief Iasparro, Sergeant Pirages and
22 Lon Christenson and Detective Forrester at that
23 time; yeah, Detective Pirages and Lon Christenson?

24 A Of the FBI.

1 Q What was the content of that conversation
2 at 5:00?

3 A Just what we had talked to her about in
4 the initial interview.

5 Q Whose decision was it to Mirandize her at
6 that point?

7 A I don't know if, you know, Howard or
8 Detective Pirages said: Well, let's Mirandize
9 her now and talked about it. I don't know.

10 Q So at 5:00 when you stepped out of the
11 interview room, did you close the door behind you?

12 A Yes.

13 Q And you re-entered 20 minutes later.
14 At that point when Detective Forrester advised
15 Ms. Crabtree of her rights, you were there?

16 A Yes.

17 Q She -- what was her reaction to that?

18 A She -- Detective Forrester advised her
19 of her rights. He handed her a copy of the
20 rights waiver form, and he had another one that
21 is identical. He put an X on the top line and had
22 her read that out loud, and which she did. And
23 then Detective Forrester went through and read
24 each other, you know, line, and then check -- put

1 a check mark by that; and then asked her if she
2 knew and understood her rights, and she said that
3 she did. She then signed the rights waiver form
4 at 5:23. And then myself and Detective Forrester
5 also signed that.

6 Q While you were out in the hallway or
7 wherever you were having this conversation prior
8 to 5:20 p.m., did you learn about the results of
9 the search of 901 Ashland? Did you learn about
10 what was found there?

11 A No, I don't think we were even -- we
12 didn't do nothing with the thing from the search
13 warrant until we went out with her and came back
14 in. So that was, you know --

15 Q So at that --

16 A -- late.

17 Q -- point you weren't informed that there
18 was -- that a Taurus was found at her apartment?

19 A I'm assuming that a Taurus was recovered
20 there.

21 Q You weren't informed by that --

22 A No.

23 Q -- at that point?

24 A I wasn't told anything about what they

1 found; had no idea what they all gathered.

2 Q So at the top of page ten, Detective
3 Forrester at that point asked her if she ever
4 had any work done on the Taurus?

5 A Right.

6 Q And she said she never had any work done
7 on it?

8 A Right.

9 Q Do you know why Detective Forrester asked
10 her that?

11 A Probably because the Crimestopper that
12 called in said that Patrick told her that -- or
13 told him that he had his girlfriend go and get the
14 gun adjusted, so if they ever caught him, they
15 wouldn't be able to match the gun to this crime.

16 Q That's what the Crimestopper said?

17 A I'm pretty sure.

18 Q And you got that statement from one of --
19 from something that you read?

20 A I never talked to Crimestopper but --

21 Q So fair to say that you read that
22 somewhere?

23 A I'll show you.

24 MR. IASPARRO: (Inaudible.)

1 THE WITNESS: Huh?

2 MR. IASPARRO: Top of page four.

3 THE WITNESS: Thank you.

4 BY MS. TINGSTAD:

5 Q Top of page four, are you referring to
6 the line --

7 A "He also stated that he had Sam go and
8 get the gun adjusted afterwards." And he told --
9 "He also told him that since then, they bought
10 another 9-millimeter and he showed him a black
11 9-millimeter automatic (sic) with black grips."

12 Q Okay.

13 A And he had the ski mask and the backpack
14 and all that stuff.

15 Q So at least in this report of the
16 Crimestoppers initial call, what's noted here
17 is that he had Sam go get the -- he stated that
18 he had Sam go get the gun adjusted?

19 A The Crimestopper said that.

20 Q The Crimestopper said that.

21 A That's why Howard asked her, "Did you ever
22 have any work done on your gun?" And she said,
23 "No."

24 Q And then the next thing that Detective

1 Forrester did, according to this report is, she
2 "was then told that she was not telling the entire
3 truth and that we wanted her to be completely
4 honest"?

5 A Yes.

6 Q What was Samantha's demeanor when she was
7 told that Detective Forrester didn't believe she
8 was telling the entire truth at that point?

9 A She was fine. I don't know what you mean
10 by -- you know, she wasn't jumping up and down or
11 anything.

12 Q Was there ever a moment that she started
13 to cry?

14 A There were times when she cried. Those
15 were times when she would tell us about Patrick
16 Pursley threatening to kill her and her two kids.
17 Then she would cry. She was afraid of him and
18 afraid of what he's going to do. She kept saying
19 that "If I -- you know, Patrick told me if I tell
20 on him, like I am now, he's going to kill me or
21 have somebody kill me and my two kids." She says
22 he'd never kill her baby, Marcus, who was mixed;
23 but her and the other two kids, he'd have no
24 problem killing.

1 Q And do you have an
2 independent recollection --

3 A Yes, oh, yeah.

4 Q -- of her saying that? Up until the
5 point of this, is it fair to say -- call it the
6 accusatory phase of the interview or the
7 interrogation -- up until this interrogation,
8 Ms. Crabtree hadn't told you anything that would
9 place Mr. Pursley at the scene of Andrew Ascher's
10 murder, had she?

11 A Just generally.

12 Q Generally meaning: "I think he was out
13 that night"?

14 A "During this time he wasn't home, but he
15 called me. It was really strange that he called
16 me at, you know, around that time to come and
17 pick him up at 11th Street and Harrison at the
18 Stop-N-Go, which he's never done before."
19 Silent Wood is just off of Harrison.

20 Q Silent --

21 A You know, yeah, so.

22 Q You agree with me, though, that Silent
23 Wood and -- Silent Wood and Harrison, and 11th and
24 Harrison is quite a long distance?

1 A If that was true.

2 Q If that was true?

3 A Which we didn't believe.

4 Q You didn't believe when she said that?

5 So --

6 A That was when she was just giving us this
7 general account, always leaving herself out of it
8 and not implicating herself in anything.

9 Q So to ask again: Up until -- up until
10 the accusatory phase, she hadn't told you or
11 Detective Forrester anything that placed Patrick
12 Pursley on Silent Wood on the night of April
13 2nd --

14 A No.

15 Q -- 1993?

16 A She didn't know anything about it at that
17 time other than --

18 Q She mentioned something --

19 A -- what her friends had told her, you
20 know, when she called her -- Jill Deadmond. And
21 there was a day before the visitation, but yet
22 she knew all these people, too. So she was
23 familiar with Andy Ascher and his girlfriend and
24 so on.

1 Q So because she knew Andy Ascher and she
2 knew the girlfriend --

3 A And her girlfriend is the one who said --

4 Q She knew about the details of the murder
5 and would have remembered those because she was
6 familiar with Andy Ascher and Becky George and
7 Jill Deadmond? It's possible?

8 A She said that at that time, you know --
9 she just said that Jill Deadmond had told her
10 about it, that Andy had been shot, and explained
11 or told her that some kid came to rob him and shot
12 him. And she says that, you know, "I knew these
13 guys and stuff," and, again, just kind of putting
14 herself out of it.

15 MR. IASPARRO: Ashley, before you go on,
16 I got a message from Amanda Kozar asking to call
17 in.

18 MS. TINGSTAD: Oh, yeah, no worries.

19 THE REPORTER: Are we going off record?

20 MR. IASPARRO: Just for a second.

21 (Discussion off the record commencing at
22 3:35 p.m. and concluding at 3:36 p.m.)

23 MR. IASPARRO: Go ahead. I just told her
24 I would open up the line again.

1 BY MS. TINGSTAD:

2 Q So at this point at 5:30 or so when you
3 began the accusatory phase, Ms. Crabtree had been
4 with you since 2:30 p.m.?

5 A Yeah.

6 Q So three hours; and at this point --

7 A Actually, only from 3:15 that we were at
8 the station, but she had been with us --

9 Q At the station?

10 A -- going to -- no, she wasn't with us at
11 the station until 3:15. She was with us from 2:30
12 when we left Evergreen and then went to her house
13 and then to the station.

14 Q But she was with you and Detective
15 Forrester from 2:30 on?

16 A Yes.

17 Q And at this point she understood that she
18 was not free to leave, correct?

19 MR. POTTINGER: Objection.

20 THE WITNESS: I don't think that --

21 MR. POTTINGER: Objection as to foundation
22 at this point.

23 BY MS. TINGSTAD:

24 Q Was -- at 5:30 or 5:23 when she was read

1 her rights, was Ms. Crabtree free to leave at that
2 point?

3 A I don't think so, no.

4 Q Had she eaten or drank anything up until
5 this point other than the two sodas that you
6 mentioned?

7 A She had water and offered numerous times
8 for something to eat.

9 Q What was offered --

10 A Whatever she wanted.

11 Q -- do you recall?

12 A Whether a sandwich, we had vending
13 machines there with sandwiches. We had -- when
14 they brought the pizza in, we offered her pizza;
15 you know, if she wanted chips or a candy bar
16 or anything like that.

17 Q Were you -- had she thrown up during this
18 time?

19 A No, not -- not that I know of.

20 Q Had she told you that she's pregnant?

21 A No.

22 Q At this time after she was read her rights
23 during this accusatory phase of the interrogation,
24 did she express any concern for her children?

1 A There was times where -- when she's given
2 the account of what was happening, she would say,
3 "They're going to take my kids away."

4 Q She would say that?

5 A She said that.

6 Q And what was Detective Forrester's
7 response to that?

8 A Said it wasn't up to us, you know; totally
9 be up to whatever the state's attorney decided,
10 you know, when they reviewed this.

11 Q During this accusatory phase were you --
12 did you start asking questions?

13 A No, Detective Forrester was interviewing
14 her.

15 Q Did you stay in the room the whole time?

16 A Yes.

17 Q You didn't leave and come back?

18 A Yeah, I might have stepped out to get a
19 pop, you know, if she wanted a pop, you know. Get
20 her cigarettes or water or whatever; but other
21 than that, I was there the whole time.

22 Q At this time did she give a verbal account
23 admitting to being involved in the Andrew Ascher
24 murder?

1 A I believe it was the bank robbery first.

2 Q She gave a verbal account admitting to
3 involvement in the bank robbery first?

4 A Yes. She explained to us how they --
5 Patrick always dreamed of robbing a bank and
6 drove -- she had -- he had her drive him by
7 three banks that he was thinking about doing,
8 and showed her the banks and so on. And then she
9 told us how he needed to steal a car to do the
10 bank robbery. But she gave us accounts of, you
11 know, at first, you know, he says, "Maybe I'll
12 just park your car in the neighborhood." And
13 she goes, "Are you sure?" And he goes, "Why?
14 You don't think that will work?" and stuff like
15 that. And then he decided to -- they were going
16 to steal a car. So he had her and her kids drive
17 him around on the east side to look for a car to
18 steal for the bank robbery.

19 Q And you're remembering these things that
20 she said from your review of the Forrester report?

21 A And both.

22 Q What would be the other -- your review of
23 the Forrester report and something else?

24 A And my recollection because she took us

1 out and showed us where he spotted the car. He --
2 she dropped him off. She went around the office
3 buildings. She then seen him leaving in the car,
4 and she was upset because she lost him by Newburg.
5 She didn't know what to do. She said, "I searched
6 for him for an hour." She says, "I thought he was
7 really going to be pissed at me because I didn't
8 know where he went." And she thought he was going
9 to be mad because he didn't give her a ride or she
10 didn't give him a ride. And so she finally --
11 after about an hour, she went home. And then
12 Patrick showed up there, but he wasn't mad because
13 he had gotten a ride down
14 to the bus station downtown and then he walked
15 home. But then went on to explain how, you know,
16 Patrick had showed her where he wanted her to park
17 before on Mariposa and --

18 Q This was all in the interrogation room;
19 she's explaining all this?

20 A Yes.

21 Q And she talked about the bank -- you said
22 she talked about the bank robbery first?

23 A Yeah, it's -- we didn't talk to her for --
24 I don't even think it was 20 minutes, and she laid

1 everything out. And then when she was done with
2 that, she was -- you know, went into the -- yeah.
3 Then he asked her about, you know, being in the
4 area of the murder with Patrick, if she had
5 dropped him off and stuff. And then she went
6 on to --

7 Q So he -- so Detective Forrester said,
8 "Did you drop Patrick off on Silent Wood for the
9 murder"?

10 A No, she said --

11 Q Did he ask her that?

12 A He said, "Did you drive Patrick to the
13 area of the murder?"

14 Q And she said --

15 A "Yeah."

16 Q -- "yes"?

17 A She said that, you know, she didn't know
18 there was going to be a murder. She said, you
19 know, "We -- he had me driving around. We were
20 looking for" -- they had gotten into an argument
21 that morning, she said, about being broke. They
22 didn't have a job. They needed money and Patrick
23 said, "I can take care of that." She (sic) says,
24 "I'll, you know, maybe go break into a place and

1 get some money or sell whatever we steal." And
2 he had her drive her -- him around on the east
3 side looking for a place to break into. That's
4 when this incident happened on Silent Wood. She
5 says, "I just thought he was looking for a place
6 to break into." And that's what she was doing is
7 driving around.

8 Q Did Detective Forrester, when she started
9 giving this account of driving around at night
10 looking for a place to break into, did Detective
11 Forrester ask her where her young children were
12 at that time?

13 A No.

14 Q He didn't ask her if they were home alone?

15 A When they did the --

16 Q Yeah.

17 A -- the murder?

18 Q No, when -- as Samantha was describing
19 driving around with Mr. Pursley looking for a
20 place to rob at night, she never said anything
21 about where her children were at the time?

22 A Most of the times they were with them.
23 So I don't know if -- I don't recall if she said
24 that when they were just driving around looking

1 for this place -- I don't believe -- I don't know
2 where her kids were at the time of the murder.
3 But the armed robbery, they were with them.
4 Stealing the car, they were with them. Other
5 than that, I -- I'm not -- it never came up that
6 I know of, as far as the murder on Silent Wood.

7 Q Did Detective Forrester ever say, during
8 this time to Ms. Crabtree, "You know you're in
9 trouble, don't you?" Would he -- could he have
10 said that to her?

11 A I don't recall that.

12 Q Is it possible he said that?

13 MR. POTTINGER: Objection; form.

14 THE WITNESS: Anything is possible.

15 BY MS. TINGSTAD:

16 Q You don't recall it?

17 A I don't recall it.

18 Q And do you recall him saying, "You have
19 three young children. Do you want to see them
20 again?" Do you recall him --

21 A No.

22 Q -- saying that to her?

23 A He never said nothing like that, no,
24 absolutely not.

1 Q If he had said that to her, would that
2 have been a problem?

3 MR. IASPARRO: Form and foundation.

4 BY MS. TINGSTAD:

5 Q If he had said that to her, would that
6 have violated any policy or practice at the
7 Rockford Police Department?

8 MR. IASPARRO: Form and foundation.

9 THE WITNESS: I don't know if it would
10 have or not, but it never happened. So, you know,
11 you're again just going into hypotheticals; and
12 that never occurred. So I couldn't tell you.

13 BY MS. TINGSTAD:

14 Q Did he ever say to Ms. Crabtree, "I can
15 make it so you can't see your children again
16 until they're 40"?

17 A No.

18 Q And you were in the room the whole time?

19 A Exactly; longer than he was, because I
20 took the typed statement. He had left while I
21 was typing the statement up.

22 Q Do you recall whether Detective Forrester
23 ever said, "If you cooperate and help us, then
24 we can help you"?

1 A Not -- not that I recall.

2 Q Samantha was implicating herself in some
3 pretty serious crimes, right?

4 A The bank robbery, yeah, and dropping him
5 off at the thing; but, again, she was assuming
6 that he was just looking for a place to break
7 into on the Silent Wood deal.

8 Q Do you recall Detective Forrester saying
9 anything about if Samantha went to prison for
10 40 years, that her children wouldn't even know
11 her when she got out?

12 A No. Samantha was very cooperative.
13 Basically she was very cooperative. I mean, all
14 these things didn't even take an hour to get an
15 account of the bank robbery, the murder, stealing
16 the car, the Burger King. I mean, we didn't -- we
17 were only talking to her for pretty close to an
18 hour, I think. I'd have to -- total, so.

19 Q An hour total at this point; you had
20 already spoken with her --

21 A Right.

22 Q -- for an hour and 45 minutes before?

23 A Well, yeah, but that was just general
24 information. That was sitting there talking and

1 she's fine, and, you know, telling us: Yeah, I
2 met him here. I'm five-eight, whatever. You
3 know, I weigh 150 pounds, and Patrick is this.
4 I've known him for this long and general
5 information. There wasn't, you know, an
6 accusatory, just kind of run things by her.

7 Q She was asked about the bank robbery and
8 the murder?

9 A If she knew anything about Patrick being
10 involved in that and she didn't.

11 Q Did Detective Forrester ever use the
12 words, "I want you to help me nail Patrick"?
13 Did he ever use the --

14 A No.

15 Q -- words "nail Patrick"?

16 A No.

17 Q You're certain about that?

18 A Yeah, that sounds more like when she got
19 with Patrick to recant her statements and stuff,
20 more -- more or less.

21 Q Were you taking notes during Detective
22 Forrester's interview of Samantha Crabtree at
23 this point?

24 A I think Howard was. He was at the table.

1 I was sitting in the chair. So I don't think I
2 did at all.

3 Q You were just a silent observer at this
4 point?

5 A Right.

6 Q What was your purpose in the room?

7 A Well, to assist whatever he needed, if
8 he asked her something and -- or if I remembered
9 something different than, you know, I might, you
10 know, ask her that or something like that.

11 But basically Howard -- I didn't know all the
12 Crimestopper. It wasn't a report that I could
13 read to know what -- all the crimes. Howard had
14 all that information.

15 Q Did he have it with him in the room or
16 he just had it in his --

17 A Well, I'm sure he had notes, you know,
18 regarding that. I'm assuming that he did. You
19 know, he talked to him, and Detective Scott did;
20 but at that time we didn't know who it was.

21 Q When Samantha was first asked where
22 she was on April 2nd or what she was doing on
23 April 2nd, the night of April 2nd, did she answer:
24 "We were probably home"?

1 A Where do you see that at?

2 Q I'm looking at her sworn testimony at the
3 trial.

4 A Is that the one where she recants
5 everything?

6 Q Yes.

7 A Well, no, I -- no, that's -- (laughs).
8 I wouldn't have information on that.

9 Q So you don't recall her saying that?

10 A She didn't say that. It's not "recall."

11 That would have been the time where she was
12 charged with perjury then, during that time?

13 Is that the part of the testimony that --

14 Q This is her trial testimony.

15 A And she was charged with perjury for that?

16 Q I'm the one asking the questions.

17 A Okay. Sorry.

18 Q Did Detective Forrester ever say in that
19 interview room that he knew what kind of person
20 Patrick Pursley was?

21 A That he knew what kind of person he was?

22 Q Uh-huh, yeah; that he knew what kind of
23 person Patrick Pursley was --

24 A No.

1 Q -- that he was a bad person?

2 A No.

3 Q Detective Forrester never said anything
4 like that?

5 A Not that I recall.

6 Q Did he tell Ms. Crabtree that he had her
7 M.O. down? He understood her M.O.?

8 A Who had whose M.O.?

9 Q That Detective Forrester had her M.O.
10 down; did he ever say that to her?

11 A Had her modus operandi?

12 Q Yes.

13 A No, not that I recall.

14 Q Did Detective Forrester ever say that --
15 to Sam Crabtree that she wasn't the type of
16 person to get into trouble, and that what she'd
17 gotten into wasn't her fault? So -- that he
18 could help her; did he ever say that?

19 A No.

20 Q Did Detective Forrester ask -- strike
21 that. So at 6:35 did you go somewhere with
22 Sam Crabtree?

23 A Yes.

24 Q And who was in the car?

1 A Myself, Detective Forrester, and
2 Samantha Crabtree.

3 Q And Detective Forrester was driving?

4 A No, I was driving.

5 Q You were driving?

6 A I was driving.

7 Q Where was Detective Forrester sitting?

8 A He was in the passenger front seat, and
9 Samantha was in the back seat.

10 Q Was there ever a time that you were
11 sitting in the back seat with Sam Crabtree on
12 this trip?

13 A It's kind of hard to drive like that; but,
14 no, I was -- it was my squad and I was driving.

15 Q So on page 10 of Detective Forrester's
16 report it lists all sorts of places that --

17 A Where she directed us to?

18 Q -- you drove? So before she got in the
19 car with you and Detective Forrester, she had
20 been crying during the interview, correct?

21 A At times when she would give us an account
22 of what had happened, and, again, it was when she
23 would talk about Patrick is going to kill her for
24 telling. She was really concerned about her and

1 her kids, what Patrick is going to do because
2 she told on him. It wasn't like she burst out
3 bawling hysterically or nothing. She was just
4 crying, you know. "And, well, you know, Patrick
5 is going to kill me, you know, for -- he told
6 me that he would kill me for doing this."

7 (Indicating.)

8 Q And when you first got in the car --
9 strike that. When you first got in the car where
10 did you go -- where did you drive first with
11 Sam Crabtree?

12 A We left the police station and we went up
13 Harrison Avenue.

14 Q And did you drive straight to 2709 Silent
15 Wood?

16 A I drove east on Harrison. And as we --
17 she was directing me. She was in the back seat
18 saying, you know -- of course, they came the other
19 way, but that's the way we were going. She says,
20 "Turn in here. Patrick told me to turn onto
21 Silent Wood here." Turned onto Silent Wood.
22 We -- the road snakes around and then goes down
23 to Greendale. We went past the apartments there
24 on Silent Wood Trail, the -- what -- what was it,

1 2709. Went past that. And she had us go down
2 around the corner because they were looking -- at
3 that time Patrick was having her -- they were
4 looking for a place to break into or something
5 to steal. She got down to that big apartment
6 building at 3523 Greendale. And she said,
7 "Patrick told me to turn around here." She says,
8 "I thought I could make the U-turn, but the road
9 was too narrow. So I had to pull into this
10 driveway." And she pointed at the driveway at --
11 on Greendale there, 3523 Greendale. She backed up
12 and then they started going back up Silent Wood.
13 And she said that -- now, the apartments are on
14 her left side. She says when they got to the
15 curve, she said, "Patrick told me to pull over and
16 turn my lights out." So she did.

17 I pulled my squad over where she told me
18 to stop. And she said that Patrick had gotten out
19 there. And she said it was real dark. She, you
20 know, couldn't see nothing. And she says that
21 Patrick had -- she thought he had found or spotted
22 something to go break into or to steal. She said
23 that she heard a couple shots and she said, "I got
24 really scared." And then Patrick come running in.

1 He had her gun in his hand, got on the floor of
2 the car and told her to drive. And she says,
3 "Where?" He says, "I don't care, just drive."
4 And she says, "I was" -- so then while we were at
5 that location, Detective Forrester took pictures.
6 He took pictures on Greendale where she had pulled
7 in, backed out, and then went back. And then he
8 took pictures of the location where I parked my
9 squad in relation to -- from the front, looking
10 back at 2709 Silent Wood, and from Silent Wood
11 looking south on -- or north on Silent Wood where
12 my car is. So from the front and the back, he
13 took pictures of it.

14 Q And, Detective Schmidt, some of the things
15 that you just recounted, the words that you used
16 about Ms. Crabtree saying she thought she could
17 make a U-turn, but she couldn't make it; those
18 appear in her written statement, correct?

19 A I don't know.

20 Q Those appear in the statement that you --

21 A Whatever she told me during the time of
22 that written statement is what I typed down.

23 Q Uh-huh. And you're -- do you have an
24 independent recollection of driving with

1 Ms. Crabtree at this time or --

2 A Yeah.

3 Q -- are you -- you have an independent
4 recollection?

5 A Yeah, I remember taking her out in the
6 car.

7 Q You've also read her statement in
8 preparation for this deposition?

9 A I took the typed statement. I typed it.

10 Q And you took the typed statement?

11 A So, yeah, I've read it.

12 Q You've read it as well --

13 A Sure.

14 Q -- recently?

15 MR. IASPARRO: Ashley, this can be off
16 the record.

17 (Discussion off the record commencing at
18 4:00 p.m. and concluding at 4:01 p.m.)

19 (A brief recess was taken commencing at
20 4:01 p.m. and concluding at 4:03 p.m.)

21 BY MS. TINGSTAD:

22 Q On page 10 of Detective Forrester's
23 report it states here that -- the second-to-last
24 paragraph, "We first started driving," that

1 paragraph?

2 A Okay.

3 Q It states that she drove past Silent --
4 drove past 2709 Silent Wood, turned around at
5 3523 Greendale. 3523 Greendale is the apartment
6 building where you conducted a neighborhood check,
7 correct?

8 A It was one of them, yeah.

9 Q So according to this report, Samantha --
10 she turned around there, and then pulled, drove
11 past Silent Wood, 2709 Silent Wood. And then
12 it says, "And then (sic) she showed us the way
13 she went. Polaroids were taken by Detective
14 Forrester at various locations."

15 The Polaroids you're referring to, would
16 those be these Polaroids? (Tenders documents to
17 witness.)

18 MS. TINGSTAD: You can mark that as
19 Exhibit 4. And these are black and white.

20 (Discussion off the record commencing at
21 4:04 p.m. and concluding at 4:05 p.m.)

22 (Exhibit 4 was marked for identification.)

23 BY MS. TINGSTAD:

24 Q Do you recognize these photos?

1 A I don't see anything on that photo.

2 MR. POTTINGER: That looks like the back
3 for some. I think that might --

4 MS. TINGSTAD: There is a front and back
5 of each photo.

6 THE WITNESS: Oh, okay.

7 MR. IASPARRO: Photocopy of the front and
8 back of the Polaroid.

9 MR. POTTINGER: I think just the exhibit
10 for the trial is stuck on the back.

11 BY MS. TINGSTAD:

12 Q For the record, what's been marked as
13 Schmidt 4 is Bates stamped Pursley 14108 through
14 Pursley 14121. Detective Schmidt, are these the
15 Polaroids that Detective Forrester took that day?

16 A Yes.

17 Q I know it's hard to see; but on the first
18 photo, what's that a photo of?

19 A That's Howard standing in front of my
20 squad car. Myself and Samantha are in the car.
21 And he's taking a picture back towards the parking
22 lot of where you'd enter 2709 Silent Wood.

23 Q So this is Silent Wood? This is Silent
24 Wood here?

1 A Yes.

2 Q And why did he take this photo?

3 A Just to show where she said that she had
4 parked and waited for him when she -- when he got
5 out of the car.

6 Q Do you recall your testimony at the trial
7 that you and Samantha are sitting in the car here?

8 A Yeah.

9 Q Do you recall testifying that you were
10 both sitting in the back seat at that point?

11 A No, I wouldn't have got out of the
12 driver's seat. I was just sitting there waiting
13 for Howard to take the pictures. I was never
14 in the back seat with Samantha. I don't know.
15 That might have been on one of her other
16 statements there that she changed.

17 Q And are these -- to your knowledge, do
18 these truly and accurately represent the Polaroid
19 photos that Detective Forrester took that day?

20 A Yes.

21 Q Were there any other Polaroid photos that
22 he took that day, to your knowledge, that aren't
23 included here?

24 A Yeah. Are you talking about from --

1 you've got the Silent Wood one. You've got
2 3523 Greendale. You've got the median here on
3 Harrison Avenue. That was all from that incident.

4 Q And in Detective Forrester's statement on
5 page 10, the last sentence of this second-to-last
6 paragraph it says: "Then (sic) she showed us
7 the way she went." And then it refers to the
8 Polaroids?

9 A He was taking pictures as they -- he
10 didn't take a picture while we're driving.

11 Q Uh-huh.

12 A She showed us the directions that, you
13 know, she went and where he told her to pull over.
14 There should be pictures also of -- well, that
15 probably wouldn't be for the -- on the homicide.
16 But we took pictures of where they stole the car,
17 parked the car, waited for the armed robbery and
18 stuff like that. She directed us to all that
19 stuff.

20 When we were leaving Silent Wood Trail
21 here, this picture of where the median was, that's
22 when -- as I started to pull out to go west on
23 Harrison, that's when she said: "Oh, and I hit
24 that median right there," (indicating). She says,

1 "I was so scared that he was on the floor of the
2 car holding the gun." She says, "I was so scared,
3 I ran the stop sign. And when I turned to go,
4 you know, west on Harrison," she says, "I hit this
5 median and the car jumped up." And Patrick
6 threatened her that he'd kill her if she gets him
7 caught.

8 Q And she said that to you while she was
9 riding in the car with you?

10 A Yes, I had no knowledge of it.

11 Q And you have a recollection of Sam -- of
12 Ms. Crabtree saying -- telling you about running
13 over a median while you were driving there?

14 A Yeah, that's why we took the picture of
15 it.

16 Q And then at that point there are no photos
17 of where Ms. Crabtree might have driven after that
18 or where she said she drove after that?

19 A Yeah. Like I said, we ain't going to take
20 pictures -- how are you going to take a Polaroid
21 picture driving west on Harrison, and then driving
22 up the hill and making a mistake and coming back
23 around? How do you do that?

24 Q So you didn't stop -- you didn't stop to

1 take photos of those other places?

2 A We took photos where she said that they
3 had gone with -- you know, for the bank robbery
4 stuff. She directed us to those. We took
5 pictures of Orchard Hills, I think, apartments
6 there where they stashed the stolen car, waiting
7 to do the bank robbery. And, in fact, when we
8 were leaving, that's when she said that the search
9 warrant had already been executed at her house.
10 But she says, "There is a briefcase in my closet
11 that was in that stolen car that Patrick stole."
12 And she says, "It's a black briefcase and that's
13 at home in my closet."

14 Well, we didn't know about that. And so
15 when we got back to the station, I filled out a
16 consent to search warrant, which she agreed to
17 sign and let us go back to her house and get that.
18 I had no idea that Mr. Swaagstra was missing a
19 briefcase from his car, Mr. Swaagstra.

20 MR. IASPARRO: Here.

21 THE WITNESS: I'm sorry.

22 MR. POTTINGER: I got it.

23 MR. IASPARRO: Here you go.

24 MR. POTTINGER: Right here (indicating).

1 THE WITNESS: Oh, okay, it's
2 S-W-A-A-G-S-T-R-A, Swaagstra. That's how I
3 pronounce it. It was his car that was stolen
4 and then used in that armed robbery. I got these
5 mixed up.

6 MR. IASPARRO: These are -- those are
7 mine, I think.

8 BY MS. TINGSTAD:

9 Q So at this time after you say that Sam
10 told you to turn left on Harrison, and that she
11 jumped the median, did she -- where did she tell
12 you to go next? Where do you recall she told you
13 to go next?

14 A Well, then we drove to where they did the
15 bank robbery.

16 Q Did you at that point drive up around the
17 Aldi and turn around?

18 A No, no.

19 Q You didn't do those things?

20 A No, she just explained everything in the
21 typed statement. She said that instead of -- she
22 made a mistake. And instead of turning right on
23 20th Street, she turned left. And she says
24 because, again, she's scared. She says that

1 "As I started driving up the hill, I noticed
2 Bob's Hardware." She says, "I knew I was going
3 the wrong way." Well, Aldi's is just before that.

4 So she noticed a road there. She turned
5 in. She was going to turn around. Well, she said
6 that the road went through. So she was going to
7 drive down and then come back out on Harrison.

8 Q Did she tell you that when you were
9 driving around with her or when she was -- when
10 you were --

11 A In the statement.

12 Q -- taking her statement?

13 A Yeah.

14 Q So at this point she didn't tell you about
15 all of that?

16 A (Inaudible.)

17 MR. IASPARRO: Is that a "no"?

18 THE WITNESS: No, I'm sorry.

19 BY MS. TINGSTAD:

20 Q Did you or Detective Forrester, as you
21 drove down Silent Wood and getting to the
22 Greendale apartments, did you or Detective
23 Forrester ask Samantha: "Is this where you
24 turned around?"

1 A No.

2 Q Did you or Detective Forrester --

3 A Are you talking about on Greendale?

4 Q Yes.

5 A No, we didn't ask her that.

6 Q And did you or Detective Forrester, after
7 turning around at Greendale, drive past
8 2709 Silent Wood and ask Samantha, "Is this about
9 where you stopped your car?"

10 A No. She said -- she was directing me.
11 She goes, "Okay, keep going." She says, "Where
12 the road curves there, right here, okay, right
13 here, stop." She says, "This is where Patrick
14 told me to pull over and turn my lights out and
15 wait for him." She says, "I thought he was going
16 to run and -- I thought he found a place to break
17 into."

18 So she was just sitting in the car waiting
19 for him with the lights out there. That's why we
20 stopped there. That's why Howard took pictures of
21 from the front of my car looking back and from the
22 back of my car -- or from the drive looking to
23 where my car was parked. I would have had no idea
24 where she stopped or where they parked that.

1 Q So all that information came from
2 Sam Crabtree?

3 A Everything did, yes.

4 Q When Sam expressed concerns about her kids
5 being taken away, did you or Detective Forrester
6 tell her that you could tell the state's attorney
7 that she cooperated?

8 A No.

9 Q You didn't tell her that?

10 A No.

11 Q You didn't tell her it would weigh in her
12 favor if she cooperated?

13 A Did we tell her that?

14 Q Yes.

15 A No.

16 Q Did you tell her that you would put in a
17 good word for her?

18 A No.

19 Q Did either you or Detective Forrester at
20 any time tell Ms. Crabtree that she could be
21 charged with bank robbery for her participation?

22 MR. IASPARRO: In exchange for her
23 participation?

24 MS. TINGSTAD: No.

1 Q For her participation in the -- in the
2 bank robbery that she talked about?

3 A No, we were just getting the facts and
4 putting them down and getting her on a statement.
5 In fact, while I have no idea; but while I was
6 taking the typed statement, Howard was obtaining
7 a warrant for her for that. I didn't know he was
8 doing that.

9 Q So neither you nor Detective Forrester
10 told Samantha that she could be charged with bank
11 robbery and do 40 years in prison for the
12 allegations that -- you know, that she had made
13 about --

14 A I was only a policemen for 32 years, but
15 I've never heard of anybody getting 40 years for a
16 bank robbery.

17 Q Federal bank robbery?

18 A Yeah.

19 Q In federal court? You never heard of
20 anyone getting 40 years for a bank robbery?

21 A Huh-uh.

22 Q Does Detective Forrester's state- --
23 report here, Schmidt 3, does it say anywhere that
24 Samantha was crying during the interview?

1 A I don't -- no, not that I know of.

2 Q And you didn't write a report --

3 A No.

4 Q -- that reflected?

5 A I was asked and I told what I knew.

6 Q Okay. I'm going to mark as Schmidt 5,
7 this statement.

8 (Exhibit 5 was marked for identification.)

9 MS. TINGSTAD: I apologize. This is
10 another written-all-over statement.

11 MR. IASPARRO: Do you want a clean one?

12 MS. TINGSTAD: What's that?

13 MR. IASPARRO: Do you want a clean one?

14 MS. TINGSTAD: It's readable.

15 MR. IASPARRO: It's up to you.

16 MS. TINGSTAD: I don't know who made these
17 markings.

18 THE WITNESS: Which ones?

19 MR. TINGSTAD: The underlining.

20 MR. IASPARRO: Off the record.

21 (Discussion off the record commencing at
22 4:19 p.m. and concluding at 4:20 p.m.)

23 BY MS. TINGSTAD:

24 Q So, Mr. Schmidt, I'm showing you what has

1 been marked as Schmidt 5. At the bottom there is
2 a Bates Number, Schmidt 264 through 269. This
3 is a statement that you took for Sam Crabtree,
4 correct?

5 A Yes.

6 Q And for the record, there are underlines
7 and scribbles on this statement. Did you make
8 those underlines?

9 A No.

10 Q Did you make those notes -- I guess some
11 of them you did, some of them you didn't, but --

12 MR. POTTINGER: Why don't you get a clean
13 copy?

14 MS. TINGSTAD: Yeah. This is not going to
15 work.

16 THE REPORTER: Are we going off?

17 MR. IASPARRO: Just for a second.

18 (Discussion off the record commencing at
19 4:21 p.m. and concluding at 4:21 p.m.)

20 (Mr. Iasparro leaves the deposition
21 proceedings.)

22 (Mr. Iasparro returns to the deposition
23 proceedings.)

24 (Exhibit 6 was marked for identification.)

1 MS. TINGSTAD: Okay. Going back on the
2 record.

3 Q We've marked as Schmidt 6, a clean copy
4 of the Samantha Crabtree statement, Bates
5 number RFD --

6 MS. HALL: Is this 6? I thought it was 5.

7 THE WITNESS: She did both.

8 MR. POTTINGER: We did both.

9 MS. HALL: Okay.

10 MR. POTTINGER: Five is the marked-up
11 version.

12 MS. HALL: Sorry.

13 BY MS. TINGSTAD:

14 Q RFD Defense 122 through RFD Defense 127;
15 Detective Schmidt, if we could turn back to
16 2709 Silent Wood, the place where Ms. Crabtree
17 showed you and Detective Forrester that she
18 stopped the car; about how far away was that
19 from the parking lot where the murder took place?

20 A That's -- Howard estimated it at 175 feet.
21 Detective Reffett from ID, he went out and
22 diagrammed it. And he measured it with a roller
23 tape, and he came up with 300 and whatever it was,
24 300 and some feet. And I know that during the

1 trial they asked me, you know: Well, if somebody
2 else said something different, is he lying?
3 Well, no, he had a roller tape. I would go with
4 whatever he put down with the roller tape.

5 Q So, and to be clear, your testimony is
6 that Sam Crabtree told you she heard gunshots
7 from that spot 300 feet from the driveway,
8 correct?

9 A I can only tell you what she said.

10 Q She said she heard gunshots to you?

11 A Is it in the statement?

12 Q It's in the statement on page three of
13 six.

14 A Okay. That's what she said.

15 Q And did she tell you she heard any talking
16 or any voices?

17 A Not that I know of.

18 Q So after driving around with Ms. Crabtree,
19 you returned to the station with her at what time?

20 A 19:45, 7:45.

21 Q So 7:45 p.m., and what did you do at that
22 point?

23 A I filled out a consent to search form for
24 the briefcase that she had told us, while we were

1 out driving, that was in the stolen car and is now
2 in her closet.

3 Q Did you take her back to the interview
4 room?

5 A Yes.

6 Q Is that where you filled out the
7 consent --

8 A Yes.

9 Q -- to search form? And at some point did
10 you learn that there was some items at the ID
11 section?

12 A Yes.

13 Q How did you learn that?

14 A I don't know if Detective Houde came and
15 told us or Sergeant Pirages did; but they had some
16 items laid out on the -- on the counter that they
17 recovered from doing the search warrant.

18 Q And do you recall what items -- well, at
19 that point did you take Sam to the ID section?

20 A Yes, myself and Detective Forrester walked
21 her in there.

22 Q You walked her in there?

23 A Just a few feet.

24 Q It was on the same floor?

1 A Yes.

2 Q And before this time had Samantha said
3 anything to you about what Patrick Pursley was
4 allegedly wearing on the night of the Ascher
5 homicide? Had she talked to you about that
6 already?

7 A Yeah, I believe so.

8 Q You believe so or --

9 A Yeah, when she was taking us around,
10 somewhere in there she said that he was wearing a
11 black hooded sweatshirt, black pants and black
12 boots.

13 Q Detective Forrester's account of the
14 interview of Sam Crabtree, prior to taking her
15 to the ID section, doesn't include a description
16 of what Mr. Pursley was allegedly wearing on the
17 night?

18 A Okay. Maybe I got it from my statement
19 then.

20 Q Okay.

21 A I know --

22 Q So it's possible that --

23 A I know it's down there somewhere.

24 Q It's possible that she didn't talk about

1 what Patrick Pursley was allegedly wearing the
2 night of April 2nd until after you'd gotten back
3 from driving around? Is it possible?

4 A It's possible.

5 Q You don't have an independent recollection
6 of her talking about what he was wearing?

7 A No, other than what she told me in my
8 statement.

9 Q In the statement; so at 8:10, you and
10 Detective Forrester take Sam to the ID section.
11 Did Detective Forrester have a conversation with
12 Detective Houde prior to taking Sam down to the
13 ID section, do you recall?

14 A It's possible. Like I said, it could
15 have been Detective Houde who come -- you know,
16 came to us and said, "Hey, could she look at
17 this"; or, you know, maybe Sergeant Pirages said,
18 you know, "He's got some stuff laid out, and we
19 want you to take her down there to view it."
20 I don't know.

21 Q Who would have determined what would
22 be laid out for the witness to view, or for
23 Sam Crabtree to review?

24 A I don't -- the stuff that they brought it

1 in, it wasn't just for her to view. He brought it
2 in. They were going to tag everything. And they
3 wanted to see if she could identify anything from
4 these various crimes that we had.

5 Q So you're not aware of Detective Forrester
6 telling Detective Houde to bring out certain items
7 and place them on a table --

8 A No.

9 Q -- for her to view?

10 A Not that I know of, no.

11 Q You didn't witness that?

12 A No.

13 Q Would that have been a normal practice for
14 a detective to ask for specific items to be laid
15 out?

16 A It could be. You know, I don't know.

17 Q So at 8:10 p.m., you and Detective
18 Forrester took Ms. Crabtree to the ID bureau.
19 Do you remember what happened in the ID bureau?
20 Do you recall that?

21 A She viewed the stuff.

22 Q What did she view, do you recall?

23 A She viewed items of clothing. She pointed
24 out -- she looked at the -- like, from the bank

1 robbery, they had a pair of sweatpants there.
2 She said Patrick was wearing those during the bank
3 robbery. She says, "Those aren't his. Those are
4 my sweatpants. They're bigger than what he wears,
5 so he could get them over some clothes." She
6 says, "The sweatshirt that he wore during the bank
7 robbery isn't here because that's what he had on
8 when he ran" from us on the 10th of June when
9 he fled from the car there on Evergreen. Then
10 she went on to point out a sweatshirt; said that
11 he was wearing that sweatshirt that night. And
12 there was, I guess, two-pair of black jeans. And
13 she says, "One of those would have been one of the
14 pair that he had on."

15 And I don't even know if she viewed the
16 guns. I'm -- if they had the guns there, you
17 know, she might have identified those as her guns,
18 too, so.

19 Q You don't recall her identifying a gun at
20 that point? You don't have a recollection of
21 that?

22 A I don't know.

23 Q But you do have a recollection of her
24 pointing to a sweatshirt and saying, "That's the

1 sweatshirt that Mr. Pursley wore on the night of
2 the murder"?

3 A Right. Well, no -- yeah, yeah.

4 Q You have a recollection of that?

5 A Right. And I don't know what she -- you
6 know, like I said, everything that they had gotten
7 that they brought in; so the guns would have been
8 there, too. I don't know what she said about the
9 guns.

10 Q If you recall, did Ms. Crabtree touch any
11 of the evidence items that were laid out on the
12 table --

13 A No.

14 Q -- at that point?

15 A Absolutely not.

16 Q And you were in the ID bureau during that
17 whole time with Sam Crabtree?

18 A The ten minutes or so, yeah.

19 Q And Detective Forrester was there?

20 A Yes.

21 Q Detective Houde was there?

22 A Yes.

23 Q Was anyone else there?

24 A Not that I recall.

1 Q Turning your attention to Schmidt 6,
2 which is -- appears to be a statement written
3 by Sam Crabtree. Is this a statement that you
4 typed on the night of June 10th, 1993, for
5 Sam Crabtree?

6 A Yes.

7 Q And the start time on this statement is
8 8:25 p.m.?

9 A That's correct.

10 Q So that's approximately 15 minutes after
11 you --

12 A 25 minutes after 8:00.

13 Q 25?

14 A Oh, I'm sorry.

15 Q Fifteen minutes after you took Sam to the
16 ID section approximately?

17 A Yeah.

18 Q That's when you start typing the
19 statement. Who else was in the room when you
20 were typing this statement?

21 A It was just me and her.

22 Q So Detective Forrester had gone?

23 A Right.

24 Q At any point during the typing of this

1 statement, which lasted until 11:25 p.m., correct?

2 A Correct.

3 Q So at any point --

4 A Well, that was the last -- that was the --
5 it actually ended at 11:10. That's when she
6 signed the first page, but then it was just her
7 reading and initialling and stuff like that, each
8 page.

9 Q So in total for her to complete this and
10 complete the initialling and reading, it took
11 about three hours, correct?

12 A Yeah, if you count the initialling and
13 signing all the pages, yeah.

14 Q And during that time, do you recall
15 Samantha stepped out to use the restroom?

16 A Could have. Anytime she wanted to, she
17 was allowed to use the restroom, of course.

18 Q Do you recall whether she told you that
19 she had thrown up in the restroom?

20 A No, she never told us that.

21 Q She never told you that she threw up in
22 the restroom?

23 A No.

24 Q She never told you that she was pregnant?

1 A No.

2 Q Is it your testimony that this statement
3 reflects everything that Samantha Crabtree told
4 you about the Andrew Ascher murder on June 10th,
5 1993?

6 A Yes.

7 Q She didn't say anything in addition to
8 what was reflected here?

9 A When she was finished with this, I went
10 on to the -- to the next crime.

11 Q Let me rephrase that. She didn't say
12 anything in addition -- anything regarding the
13 Andrew Ascher murder in addition to what was
14 written here?

15 A No.

16 Q And she didn't say anything different
17 regarding the Andrew Ascher murder than what is
18 written here?

19 A That's correct.

20 Q Looking at page one of the statement?

21 A Yes.

22 Q Third paragraph, in this paragraph there
23 is a description of what Patrick was allegedly
24 wearing -- Mr. Pursley was allegedly wearing on

1 the night of April 2nd, 1993, correct?

2 A Yes.

3 Q It includes black combat boots, black
4 jeans and a black hooded sweatshirt?

5 A That's correct.

6 Q The black hooded sweatshirt was a
7 pullover type and had buttons by the neck?

8 A That's correct.

9 Q And the inside of the hood was lined with
10 a gray sweatshirt material?

11 A That's what she said.

12 Q Is that the sweatshirt that just a few
13 minutes prior, Ms. Crabtree had viewed in the
14 ID bureau?

15 A I don't know. You'd have to look at
16 Detective Houde's and see what she identified.
17 I don't know. I wasn't -- I don't know what he
18 wrote down.

19 Q She had, just a few minutes prior, viewed
20 black jeans and a sweatshirt, correct?

21 A Right, but I don't know if it was this
22 sweatshirt. I have no idea.

23 Q And it says here: "It was around 9:00
24 p.m. on Friday night that (sic) we left 901

1 Ashland," correct?

2 A Yes.

3 Q Do you recall asking Sam, "What time did
4 you leave the house that night"?

5 A No, she told me. They were going to look
6 for a place to break into.

7 Q Do you recall her saying, "We probably
8 left at 8:00"?

9 A If she said that, I would have typed that
10 in.

11 Q So you didn't sit back for a minute and
12 say, "You had to leave later than 8:00"?

13 A No.

14 Q And you didn't say, "Approximately what
15 time, 9:00"?

16 A No.

17 Q You didn't suggest that to her?

18 A No.

19 (Whereupon, there was a brief
20 interruption.)

21 BY MS. TINGSTAD:

22 Q And when you asked Ms. Crabtree, "What
23 was Patrick wearing that night," and she
24 responded -- did she respond, "A black

1 sweatshirt"?

2 A It's what I typed in there. That's what
3 she said.

4 Q And did you ask her for more details about
5 the sweatshirt?

6 A I just typed what she said.

7 Q So you didn't ask her, "Which black
8 sweatshirt, the one we saw in the ID room"?

9 A No.

10 Q Turning to page 3 of 6, as you were taking
11 Sam Crabtree's statement regarding where she went
12 after she allegedly pulled away from the murder
13 scene, did she tell you that she went home, that
14 she was heading home?

15 A I'm not following you on that, what -- at
16 what point?

17 Q When you asked her, "Where did you go?"

18 A She told me how she left, you know, how
19 she was going to turn right onto 20th and made a
20 mistake, if that's what you're asking.

21 Q So she said, "I made a left on 20th."
22 And did you say, "I thought you said you were
23 going home. That's" --

24 A No.

1 Q -- "not the way home"?

2 A No.

3 Q You didn't say that?

4 A No.

5 Q So her testimony was that she got into a
6 left-hand turning lane and made a left-hand turn
7 when she meant to make a right turn? That was her
8 testimony to you?

9 A I just wrote down what she said. She
10 said, "When I got to 20th Street" -- I don't
11 think she said what lane she was in. She says,
12 "Instead of turning right to go home," she said,
13 "I made a mistake and I turned left." She says,
14 "I didn't" -- because she was all upset. She
15 goes, "I got up to the -- you know, as I started
16 up the hill, I realized I was going the wrong
17 way because I seen Bob's Hardware." Then she
18 turned into the Aldi lot and there was a road that
19 went through. And she thought that she could come
20 right back out onto Harrison.

21 That's when they seen the squad cars
22 coming up Harrison. And Patrick looked up over
23 and seen the red lights coming. And she told him
24 or he told her, "Where are you taking me? If

1 you're taking me back there, I'll kill you, Sam.
2 I swear, I'll kill you."

3 Q So she described this, making the wrong
4 left and turning around and that whole scenario;
5 she described to you as you were taking the
6 statement?

7 A Yeah.

8 Q Correct? She hadn't described that to you
9 when you were driving around in the squad car?

10 A No, she never said that.

11 Q Did you ask her why she hadn't told you
12 that when she was driving around in the squad car?

13 A No.

14 Q The murder of Andrew Ascher occurred at
15 about 10:00 p.m. on April 2nd, 1993, correct?

16 A I was assigned at 20 -- at 10:15, but,
17 yeah, it could have been right around there.

18 Q And she said that she got back to her
19 house on 901 -- or according to this statement,
20 that she and Patrick got back to their house at
21 901 Ashland at around 10:30 p.m., correct?

22 A That's what I put down. That's what she
23 said. What page is that on?

24 Q That's at the top of page four.

1 A Yeah.

2 Q Did you ever attempt to corroborate the
3 timing of this statement with regard to what time
4 she said she returned back home? Did you ever
5 drive the route that she --

6 A No.

7 Q -- laid out for you?

8 A No.

9 Q And the fourth paragraph of page four
10 talks about -- strike that. I'm on page five of
11 the statement, second paragraph. The statement
12 says, "I got ready for work." Next sentence:
13 "I then heard on the news that Andy Ascher was
14 shot and killed, and it was at some apartments on
15 Silent Wood." Then it states, "It stated it
16 happened Friday night in the parking lot, and then
17 gave a description of the suspect, but I can't
18 remember what all they said, but I knew it was
19 Patrick that they were describing."

20 Do you recall Ms. Crabtree saying that
21 to you?

22 A Yes, that's why I typed it.

23 Q And this was the day after the murder that
24 she was describing?

1 A The day after?

2 Q Yes.

3 A Yeah. Well, she was -- she caught the
4 5:00 news, so, yeah, it would have had to have
5 been the next day.

6 Q Did you ever review the news report from
7 5:00 that day --

8 A No.

9 Q -- to see whether or not they gave a
10 description of the suspect?

11 A No.

12 Q Turning to the last page of this
13 statement, had -- prior to when you were taking
14 this statement with Ms. Crabtree, had she talked
15 at all about cleaning her gun?

16 A No.

17 Q How did it come about that you typed this
18 paragraph regarding her cleaning a gun, cleaning
19 the gun?

20 A It's what she told me. It might have come
21 from before during the interview when he asked her
22 if she had anything -- any work done on the gun.
23 I don't know, but that -- during when we were
24 talking to her, Howard Forrester asked her if she

1 had taken the gun anywhere or had any work done on
2 it. And she said, "No."

3 Q So then did you ask her that again when --

4 A No.

5 Q -- you were taking her statement?

6 A She's just telling me.

7 Q She offered this information?

8 A Right.

9 Q She said that she took the gun apart?

10 A To clean it, yes.

11 Q Did you ask her why she was going to clean
12 the gun? Did you ask her why?

13 A (Witness shakes head.)

14 Q No?

15 A No.

16 Q She said that -- in the middle of that
17 paragraph: "And when I shot the gun, it fired,
18 but the top part of the gun stayed back, instead
19 of sliding back forward to load another shell into
20 the gun. So I figured I put the gun together
21 wrong. I put (sic) the top back a little and
22 the empty shell fell out, and it went forward.
23 And at that time I went back home and put the gun
24 back under the water mattress in my room"?

1 A Yes, yes. She was explaining that she had
2 dropped the gun about a week -- on the floor about
3 a week before she cleaned it, or a few days before
4 she cleaned it. And she was cleaning it. She
5 said that she never used any solvents or anything,
6 just paper towels or whatever to wipe parts off.
7 And she said that when she put the gun together,
8 she drove -- she had a magazine with only six
9 rounds in it left. So she drove out to -- way
10 out Cunningham Road; she didn't tell me where.
11 She said she wanted to fire the gun to see if
12 she put the gun together right. And she says,
13 "It fired," but she says, "When the slide came
14 back it -- it didn't eject the round. It stayed
15 back." Well, she jerked it back a little bit and
16 an empty casing fell out, and then it went forward
17 again. And then she was done. That's what she
18 had said.

19 Q She said all that?

20 A Yes, yeah, I didn't know she cleaned the
21 gun.

22 Q And she was -- she said that this happened
23 after the murder took place, correct?

24 A Well, this is --

1 Q That was her statement?

2 A -- almost in a chronological order.

3 So, yeah, I'm assuming it would have been.

4 Q On page five it says at the bottom
5 paragraph: "I kept the bullets in the dining
6 room cabinet; and a couple weeks after the murder,
7 I found the bullets missing"?

8 A Yeah, that's from the first gun.

9 Q And then it -- the first gun?

10 A Yeah, when she bought the first gun --

11 Q The Taurus?

12 A Right. She bought the cheapest rounds
13 they had, which to her looked like military
14 surplus ammunition. And she said that after --
15 sometime after the murder, she found the bullets
16 missing. And Patrick said he accidentally threw
17 them away. When she bought the second gun, she
18 bought good rounds that were in a red box with
19 an eagle on them.

20 Q Which gun was Ms. Crabtree referring to
21 on page six of six: "I took my gun and cleaned
22 it"? Is she referring to the Taurus?

23 A Yes.

24 Q So this statement was completed on -- at

1 11:25 p.m.?

2 A Yes.

3 Q What was Ms. Crabtree's demeanor as you
4 were taking the statement? Did she cry at any
5 time?

6 A Just recanting (sic) what she remembered
7 and telling me what happened.

8 MR. IASPARRO: Recounting or recanting?

9 THE WITNESS: I'm sorry, recounting.

10 BY MS. TINGSTAD:

11 Q Did she cry at any time when you were --
12 when she was giving the statement?

13 A No.

14 Q She wasn't emotional?

15 A (Witness shakes head.)

16 Q Did she seem -- had she eaten or drank
17 anything while she was giving the statement?

18 A I don't know when she drank the two cans
19 of pop and the water and stuff like that. She
20 never ate anything, but she had cigarettes and
21 stuff to drink. She just didn't want to eat
22 nothing. In fact, when this was done we came
23 out. They had just brought in boxes of pizzas
24 for everybody that was working. And we -- fresh,

1 just brought it in. We asked her if she wanted
2 some of that. She said, "No."

3 Q I'm going to mark as Houde 7 --

4 MR. IASPARRO: Schmidt 7?

5 MS. TINGSTAD: Schmidt 7.

6 Q Take one and pass it down. (Tenders
7 documents to witness.) Let the record reflect
8 that this is a document with a Bates stamp
9 Schmidt 114 through Schmidt 119.

10 (Exhibit 7 was marked for identification.)

11 BY MS. TINGSTAD:

12 Q The first page of this exhibit is a
13 police report by Detective Forrester dated as
14 completed June 15th, 20-- 1993. And it states
15 that Ms. Crabtree gave a statement to you --
16 Detective Schmidt -- in the presence of Detective
17 Forrester, admitting her involvement in a bank
18 robbery?

19 A Yes.

20 Q And that the case was reviewed with
21 Assistant State's Attorney Karner, and he
22 authorized a charge of armed robbery against
23 Samantha Crabtree?

24 A Yes.

1 Q And is what's following on the next page,
2 is that the statement that you took of Samantha
3 Crabtree starting at 11:37 p.m. --

4 A Yes.

5 Q -- on June 10th, 1993? And at this
6 point Samantha Crabtree had been with you for
7 an unbroken period from 2:30 p.m., and now it's
8 11:37 p.m., and you hadn't seen her eat anything,
9 correct?

10 A Yeah, me either. I would have liked to
11 have pizza, but she didn't want any. So I went
12 right in and started typing the next statement.

13 Q At any point in this process -- so
14 Detective Forrester, did he come back in the room
15 when you were taking this statement --

16 A No.

17 Q -- as you recall?

18 A No.

19 Q His police report said --

20 A He came in when the statement was
21 finished. And then Samantha read it and
22 initialled, and he was there for that.

23 Q And he would be there?

24 A She said that this was her statement,

1 it's correct; and then we both signed it.

2 Q Okay. So during the taking of the
3 statement, he wasn't in there?

4 A Right.

5 Q At any point in this process of this long
6 evening of interrogation, did you hear Detective
7 Forrester -- did you hear Sam ask -- or
8 Ms. Crabtree ask if she could check on her
9 children?

10 A No.

11 Q Or whether one of you could check on her
12 children for her?

13 A No.

14 Q She never asked you to check on her kids?

15 A No.

16 Q And Detective Forrester never said to
17 Ms. Crabtree, "I haven't seen my kids in three
18 days and you want me to feel sorry for you"?

19 A You must be getting that off the perjury
20 one, right?

21 Q You didn't hear Detective Forrester say
22 that to Ms. Crabtree?

23 A No, did not; never happened.

24 Q Is it your testimony that this

1 statement, Mark Schmidt 7, reflects everything
2 that Sam Crabtree told you about the bank robbery
3 on June 10th, 1993?

4 A Yes.

5 Q And she didn't say anything in addition
6 to what's reflected here about the bank robbery
7 on June 10th, 1993? She didn't say anything in
8 addition to what's reflected here?

9 A No.

10 Q And she didn't say anything different from
11 what's reflected here?

12 A Not during this statement, no.

13 Q What time was this statement completed?

14 A Actual typing was done at 1:20. Then
15 she read it. Well, actually, the way you'd
16 want to do it, where she initialed and signed
17 everything would have been at 1:28 in the morning.

18 Q So you finished typing at 1:20. And then
19 at 1:28, that was -- the signing was completed?

20 A Probably a little bit before; 1:20, when
21 she signed that; that was -- she had already
22 read the first page, and then signed that at 1:20.
23 So it would have been actually finished typing the
24 statement, a little before then.

1 Q So totally, all in all, completed with
2 signing all of these pages at 1:28 a.m. on
3 June 11th, 1993?

4 A Yes.

5 Q And that was approximately 11 hours from
6 the time that you first -- she first went with
7 you at 2:30 p.m. the day before, correct?

8 A Yes.

9 Q Okay. What happened next? Was there
10 another statement that was given?

11 A Detective Forrester took a statement
12 regarding the armed robbery at the Burger King,
13 I believe.

14 Q Were you in the room at the time that
15 Detective Forrester took that statement?

16 A No.

17 Q Where were you?

18 A I think I might have went and had a piece
19 of pizza, to be honest with you.

20 MS. TINGSTAD: We'll mark this as
21 Schmidt 8.

22 THE WITNESS: Oh, I'm sorry.

23 MR. IASPARRO: That's okay.

24 (Exhibit 8 was marked for identification.)

1 BY MS. TINGSTAD:

2 Q The first page of Schmidt 8 is a police
3 report signed by Detective Forrester at 6 -- on
4 June 15th, 1993, or dated June 15th, 1993; is that
5 correct?

6 A That would have been dated by Sergeant
7 Pirages.

8 Q Dated by Sergeant Pirages; have you ever
9 seen this police report?

10 A Yes.

11 Q And in this police report it states that
12 "Samantha Crabtree gave a typed statement to
13 Detective Forrester, in the presence of Detective
14 Schmidt, admitting (sic)" -- "stating that Patrick
15 Pursley admitted to her that he had robbed the
16 Burger King on West Riverside."

17 Were you in the room -- you said you were
18 not in the room when --

19 A I was in the room when she gave the verbal
20 account of everything. When --

21 Q Hours earlier, you mean?

22 A When he took the actual typed statement,
23 I had left. And then he called me back in. And
24 I -- like he did with me; and then I -- he went

1 over the information, had her initial and sign it
2 and in front of me. I was there when she did
3 that, and then I signed it. Howard took the
4 typed statement on this one.

5 Q If you recall, according to Detective
6 Forrester's report, which covered you, when
7 Samantha Crabtree was earlier asked about
8 the Burger King robbery, she said that sometimes
9 Mr. Pursley is gone at 4:30 in the morning?

10 A Uh-huh.

11 Q There is no notation there that she said
12 that she asked Patrick if he robbed the Burger
13 King, and he stated, "Yes"?

14 A I believe that came later. That was in
15 another -- when she was giving the verbal account.
16 The one you're describing is when she was -- we
17 were talking to her vaguely, I think. But there
18 is a report that covers that she had talked to
19 him about that because she went back to work.
20 Her manager -- one of the managers from that thing
21 talked to her. She couldn't remember if it was
22 the day before or whatever. But when she found
23 out that had -- that somebody had come in early
24 in the morning and robbed them, she went and asked

1 Patrick. And she said that Patrick said that,
2 yeah, he did that.

3 Q So that's not reflected in Detective
4 Forrester's report giving the account of this
5 interrogation. You can review it if you --

6 A This is in a statement.

7 Q It appears in the statement?

8 A Right.

9 Q It doesn't appear in the report?

10 A Yeah, that's --

11 Q You agree with me?

12 A Yes, it's not -- are you talking about in
13 this one-page report?

14 Q Uh-huh.

15 A Yeah, it's not in there.

16 (Ms. Hall leaves the deposition
17 proceedings.)

18 BY MS. TINGSTAD:

19 Q Were you aware that the suspect or the
20 eyewitness in the Burger -- of the Burger King
21 robbery described the suspect as white?

22 A I really didn't know anything about the
23 Burger King robbery. I didn't work on it. What
24 I can remember, I don't -- other than what I read,

1 I don't know.

2 Q So you weren't aware that the suspect was
3 described as a white male?

4 A No.

5 Q And this statement start time is
6 1:30 a.m.?

7 A Yes.

8 Q End time, 1:51 a.m.?

9 A That's correct.

10 Q What occurred after 1:51 a.m.?

11 A Detective Forrester served her with
12 the complaint for armed robbery, and she was
13 at -- sometime right after that, she was taken
14 to the jail section at 2:05.

15 Q 2:05 a.m.?

16 A 2:05, yes, 2:05 a.m. on 6/11/93, she was
17 served with her copy of the complaint for armed
18 robbery. And then she was lodged in jail, lodged,
19 taken to.

20 Q So why was it that you didn't take the
21 third statement from Sam?

22 A Probably because I didn't know anything
23 about that case.

24 Q So if --

1 A And I just had two statements that I
2 typed; so probably more so to give me a break
3 than anything else.

4 (Ms. Hall returns to the deposition
5 proceedings.)

6 BY MS. TINGSTAD:

7 Q At any time during this interrogation,
8 did you or Detective Forrester raise your voice
9 at Ms. Crabtree? Is it possible?

10 A Not that I recall.

11 Q Not that you recall?

12 A (Witness nods head.)

13 Q Did you have any involvement in this
14 case -- actually, take that back, one other thing.
15 Scratch that. Turning back to Detective
16 Forrester's report --

17 A The 15-page one?

18 Q Yes, the long one; on page 12 of 15,
19 middle of the page, do you see where it says:
20 "On June 11th, '93, at 10:40 hours, the case was
21 reviewed with ASA Koski and State's Attorney
22 Paul Logli, in the presence of Lieutenant Gambini,
23 A.D.C." -- yeah --

24 A Assistant deputy chief.

1 Q -- "Assistant Deputy Chief Iasparro and
2 Detective Sergeant Pirages, with Detective Schmidt
3 and myself. A charge of first degree murder was
4 then authorized for Patrick Pursley."

5 Do you recall being part of that
6 conversation?

7 A Yes.

8 Q And do you recall why, at that time, this
9 states it was decided not to pursue a charge of
10 bank robbery for Patrick Pursley?

11 A No, I don't. We took the reports over.
12 Assistant Deputy -- Dave Koski, Assistant State's
13 Attorney; Paul Logli, the State's Attorney; and
14 everybody, we presented what we had, talked to
15 them. And I don't know why they didn't charge
16 him with bank robbery.

17 Q Do you know why they didn't charge him
18 with robbery of the Burger King?

19 A Probably because they had a first degree
20 murder warrant for him with no bond, so.

21 Q What else do you -- what do you remember
22 about that conversation?

23 A Just reviewing the facts; they were
24 reading reports and going over statements and

1 stuff like this. And then they determined that
2 they were going to authorize the charge of first
3 degree murder. And then their office typed up
4 the complaint and Howard signed it.

5 Q And you were aware at that -- at that
6 point, you were required to turn over all relevant
7 information to the state's attorney about the
8 case, so that they could make their charging
9 decision, right?

10 MR. IASPARRO: Object to form and
11 foundation; that also calls for a legal
12 conclusion.

13 BY MS. TINGSTAD:

14 Q You were under an obligation to turn --
15 to give all relevant information to the state's
16 attorney? You were?

17 MR. IASPARRO: All relevant information,
18 what does that mean?

19 BY MS. TINGSTAD:

20 Q All information about regarding your
21 investigation.

22 MR. IASPARRO: In what context?

23 THE WITNESS: I don't even know if the
24 reports were written by then. This one was

1 signed at -- on 6/18. You're talking about
2 talking to the state's attorney on, what, the
3 11th? So how were we going to turn everything
4 over? We hadn't even done our reports yet.

5 BY MS. TINGSTAD:

6 Q When you did do your reports, were you
7 obligated to turn those over to the state's
8 attorney's office?

9 A Well, any -- yeah, anything that we had,
10 you know, regarding these reports would have gone
11 to them, sure.

12 Q And you were obligated -- you understand
13 that you were obligated to -- you were under --
14 scratch that.

15 You understand that you were under a
16 continuing obligation to turn over all information
17 relevant to this invest- -- the investigation of
18 the Andrew Ascher homicide --

19 MR. IASPARRO: Form.

20 BY MS. TINGSTAD:

21 Q -- to the state's attorney's office?

22 MR. IASPARRO: Form; foundation; you know,
23 there is no time frame here, and it asks for a
24 legal conclusion. I just don't know what "all

1 relevant information" means, what the time frame
2 is, what the context is. When? What is "all
3 relevant information"?

4 BY MS. TINGSTAD:

5 Q All information that is relevant to the
6 charge of murder against Patrick Pursley for the
7 murder of Andrew Ascher, information regarding the
8 charge of murder, you were --

9 A Like, statements and reports and stuff?
10 Sure.

11 Q And you were under an obligation to turn
12 over any exculpatory information regarding the
13 murder charge against Patrick Pursley?

14 MR. IASPARRO: Form; foundation; calls
15 for a legal conclusion.

16 THE WITNESS: Such as what?

17 BY MS. TINGSTAD:

18 Q Such as -- I'm just saying: Were you
19 aware that you were under a continuing obligation?

20 A Yeah, I turned over everything I was
21 involved in, absolutely.

22 Q On June 23rd you testified at the grand
23 jury, correct?

24 A Yeah.

1 Q And Sam Crabtree testified at the grand
2 jury as well, correct?

3 A I don't know. I'm sure she did. I don't
4 know if it was that day, or I don't know when she
5 testified or what she testified to.

6 Q You weren't present in the courtroom for
7 her testimony?

8 A In the grand jury?

9 Q Yes.

10 A No.

11 Q In a criminal investigation when there is
12 a victim, is there usually one officer who is the
13 officer who would communicate with the victim's
14 family or the victim?

15 MR. IASPARRO: Form and foundation.

16 THE WITNESS: No, not necessarily.

17 BY MS. TINGSTAD:

18 Q Would the police department keep the
19 victim's family updated on any developments in
20 the case?

21 A Sure.

22 Q And who would be the person from the
23 police department who would communicate with the
24 victim?

1 A Could be whose case it is; it could be the
2 supervisor. You know, it depends on, you know,
3 what it is.

4 Q Did you know the Ascher family?

5 A Did I know them?

6 Q Yes.

7 A Prior to this?

8 Q Yes.

9 A No.

10 Q Do you know, in the investigation of the
11 Ascher homicide, whether -- or who would be the
12 person giving updates to the Ascher family
13 regarding developments of the investigation?

14 MR. IASPARRO: Object to form; foundation;
15 assumes facts not in evidence.

16 THE WITNESS: Like I said, it could have
17 been -- you know, if they called in and wanted to
18 know what's going on or whatever. It could have
19 been, you know, the supervisor; or it could have
20 been whosever case it was.

21 BY MS. TINGSTAD:

22 Q So either Detective Pirages or Detective
23 Forrester -- Sergeant Pirages or Detective
24 Forrester?

1 A Could have been. You know, I don't know.

2 Q You're not aware --

3 A Right.

4 Q -- of who was communicating with the
5 Ascher family during the course of the
6 investigation?

7 A (Witness shakes head.)

8 MR. IASPARRO: If anybody.

9 BY MS. TINGSTAD:

10 Q If anybody?

11 A Well, I had -- I talked to Vernon Ascher,
12 the father.

13 Q You talked to --

14 A But it wasn't for updates; he called in
15 and he needed the keys that Andy Ascher had on
16 him the night of the homicide. They needed it
17 for some tool boxes at work. So I checked with
18 the supervisor. And they said, "Yeah, that can
19 be released to the family" because they don't
20 need them, you know, for evidence. So I filled
21 out a form for property to release them. And
22 it turned out that -- it turned out that
23 Vernon Ascher came down and got two keys for a
24 Craftsman tool box from me.

1 THE REPORTER: This is 9 then?

2 MS. TINGSTAD: Yes, this is Schmidt 9;
3 marking as Schmidt 9, documents with Bates numbers
4 Schmidt 241 to 243.

5 (Exhibit 9 was marked for identification.)

6 MR. IASPARRO: This can be off the record.

7 (Discussion off the record commencing at
8 5:18 p.m. and concluding at 5:18 p.m.)

9 BY MS. TINGSTAD:

10 Q Was the date that you gave the keys to
11 Vernon Ascher, May 19th, 1993?

12 A Yes.

13 Q Is the documents reflected on Schmidt 242
14 and 243, the documentation that you referred to,
15 giving two keys to Vernon Ascher?

16 A Yes.

17 Q And on page --

18 A Oh, I'm sorry.

19 Q Page 241, Schmidt 241, this is dated
20 April 13th, 1993, and that's your signature at
21 the bottom. Did you also meet with Vernon Ascher
22 on April 13th, 1993?

23 A Oh, this is different. This is release
24 of his vehicle.

1 Q So this is a separate day?

2 A Yeah, yeah, this was a couple -- you know,
3 this was, what, on the 13th. They had already
4 finished with his car, and it was able to be
5 released to the family. And Vernon came down
6 and got the car.

7 Q Do you recall having any more -- do you
8 recall having involvement in this case in October
9 of 1993?

10 A Regarding?

11 Q Regarding an interview with someone by the
12 name of Olen Bell, Senior?

13 A Yes.

14 Q Let me give you what we'll mark as Schmidt
15 10 and Schmidt 11. That's Schmidt 10. This is
16 Schmidt 11.

17 A Do you want this back?

18 Q No, you can just pass them down. Yeah,
19 there's two separate documents. I just gave you
20 copies.

21 (Discussion off the record commencing at
22 5:20 p.m. and concluding at 5:20 p.m.)

23 (Exhibits 10 and 11 was marked for
24 identification.)

1 BY MS. TINGSTAD:

2 Q Looking at Schmidt 10, for the record,
3 the Bates label is RFD Defense 272 to 274.
4 Do you recognize this document?

5 A Okay. Which one?

6 Q This, the police report?

7 A Yes.

8 Q It says here that this is the police
9 report signed by Detective Forrester, and it
10 appears that the date that this was signed by a
11 supervisor was November 1st, 1993?

12 A Right.

13 Q That would be Lieutenant Gambini's
14 signature, if you can tell? That's a guess on
15 my part.

16 A I'm not sure. I think so.

17 Q It says here that Detective Forrester was
18 contacted by you; and "he advised that Deputy
19 Chief Iasparro had assigned" Forrester and you
20 to interview Olen Bell, Senior. Is this -- there
21 is no police report that you wrote about this
22 interview, correct?

23 A No.

24 Q Is this one of those situations where your

1 involvement was covered by Detective Forrester's
2 police report?

3 A Right, it was at 5:30. And the only
4 reason -- the only thing I can assume is, I
5 was at the station working. And Detective or
6 Assistant Deputy Chief Iasparro came in and had
7 information that Olen Bell had information.
8 And he says, "Get ahold of Forrester at home
9 and you and him go up and talk to him." So I
10 contacted Detective Forrester and -- you know,
11 but I'm assuming that. He wouldn't have called me
12 at home and then had me call Howard. He wouldn't
13 have called me at home and then had me call
14 Howard. If he was going to call somebody at home,
15 he would just have called Howard direct. Like I
16 say, he was in the station. He must have --
17 whatever, he must have -- I must have been there
18 working late or whatever, you know, on another --
19 on something else or --

20 Q Do you recall the interview that you and
21 Detective Forrester had with Olen Bell, Senior?

22 A Yeah.

23 Q You do? And did you stay in the room
24 during the interview with Olen Bell, Senior?

1 A Yes.

2 Q Did you stay in the room while the
3 statement was being typed, do you recall?

4 A Yes.

5 Q Was there any -- ever any discussion of
6 Olen Bell, Senior's gang affiliation?

7 A Yeah.

8 Q And what gang did he say he was a member
9 of?

10 A Vice Lords.

11 Q Does this police report accurately reflect
12 your activities on October 29th, 1993, with regard
13 to this interview of Olen Bell, Senior?

14 A Yes.

15 Q Was there ever any discussion with regard
16 to the gang affiliation of Lester Brown with
17 Olen Bell, Senior? It's not in the report.

18 A Huh?

19 Q It's not in the report.

20 A Not -- no, just that he spoke to "Late."
21 That was his nickname, Late.

22 MR. IASPARRO: L-A-T-E.

23 THE WITNESS: They all had nicknames.

24 BY MS. TINGSTAD:

1 Q And in turning to Schmidt 11, this
2 statement that Olen Bell, Senior, gave; is it
3 your testimony that this statement reflects
4 everything that Olen Bell, Senior, said to you
5 and Detective Forrester on October 29th, 1993?

6 A Yes.

7 Q And he didn't say anything in addition to
8 what is reflected here?

9 A Whatever he said was put in this
10 statement.

11 Q So he didn't say anything different from
12 what was reflected here?

13 A No.

14 Q Would you adopt Detective Forrester's
15 report as your own with regard to Schmidt
16 Exhibit 10?

17 A Adopt it?

18 MR. IASPARRO: I'll object to form.

19 THE WITNESS: Pardon?

20 MR. IASPARRO: I said, I'll object to
21 form.

22 THE WITNESS: It's -- it's --

23 BY MS. TINGSTAD:

24 Q It accurately reflects your activities --

1 A Yeah.

2 Q -- of that day? Just a few more
3 questions: Do you recall answering
4 interrogatories in this case? Do you know
5 what an interrogatory is? It's a list of
6 questions that were -- have been sent to your
7 lawyer for you to answer under oath. Do you
8 recall receiving interrogatories in this case?

9 A I probably did, but --

10 Q Let me see if I can pull it.

11 A Is that one of the things that came almost
12 two years ago?

13 MR. IASPARRO: More recent.

14 BY MS. TINGSTAD:

15 Q It would have been more recent than that.

16 MS. TINGSTAD: You can mark this as
17 Houde 12 -- Schmidt 12, sorry.

18 (Discussion off the record commencing at
19 5:28 p.m. and concluding at 5:28 p.m.)

20 (Exhibit 12 was marked for
21 identification.)

22 (Mr. Iasparro confers with the witness
23 outside the hearing of all outside parties.)

24 BY MS. TINGSTAD:

1 Q Do you recall reviewing this document?

2 A Yeah.

3 Q And is that -- is it your signature that's
4 reflected on the second-to-last page labeled
5 Verification at the top?

6 A Yes.

7 Q You're aware that Patrick Pursley's
8 conviction was overturned for the murder of
9 Andrew Ascher, correct?

10 A Yes.

11 Q You're aware of that? And you're aware
12 that that was based on forensic ballistic
13 evidence?

14 MR. IASPARRO: Object to form; foundation.

15 BY MS. TINGSTAD:

16 Q Are you aware of the testimony or the
17 new evidence regarding the gun that was placed --
18 scratch all that.

19 Do you have any opinion about Patrick
20 Pursley's guilt or innocence in this case?

21 MR. IASPARRO: Object to form and
22 foundation, but you can answer the question.

23 THE WITNESS: Yes, I think he's guilty.
24 There's no question in my mind that he committed

1 this murder, committed the bank robbery, did the
2 stolen car; none to me.

3 BY MS. TINGSTAD:

4 Q And you're aware that Patrick Pursley was
5 acquitted after a retrial, correct? He was found
6 not guilty --

7 A Yes.

8 Q -- after a retrial?

9 A Because we had no -- they didn't get
10 Marvin Windham in. They didn't have any of these
11 other people come and testify. Samantha Crabtree
12 recanted her statement and pleaded the Fifth
13 during that. I mean, it just goes on and on.
14 I don't know how much of a good trial that was;
15 but, yes, he was being acquitted on that.

16 Q You're aware that a new firearms expert
17 said that the bullets and shell casings found at
18 the crime scene could not have been fired by the
19 Taurus found in Mr. Pursley's apartment?

20 MR. IASPARRO: Form and foundation;
21 misstates the evidence.

22 THE WITNESS: That's your witness, your
23 expert witness.

24 BY MS. TINGSTAD:

1 Q Not my witness.

2 A Well, you know what I'm saying. You know,
3 I don't know. I'm not an expert on that, so.

4 Q What's your understanding of the comments
5 that Lois Ascher made about the murder weapon, the
6 recent comments about -- that she made about the
7 murder weapon?

8 A What did she say?

9 Q She said that -- and I'm paraphrasing --
10 that after the trial, a detective told her that
11 they never found the gun that killed her son?

12 MR. IASPARRO: I object to form;
13 foundation; and that misstates the evidence and
14 her testimony in December of 2018.

15 THE WITNESS: Is that during the first
16 trial? Is that what you're saying?

17 BY MS. TINGSTAD:

18 Q You're not --

19 A The retrial or the first trial?

20 Q The retrial, prior to the retrial?

21 A When was this said?

22 Q It was said, I believe, in 20- -- there
23 was a statement in 2017, and a statement in 2018.
24 You are not aware of those statements?

1 A I wasn't even in that department then, so.

2 Q So you're not aware of any --

3 A No.

4 Q -- recent statements that the victim's --

5 A Well, I heard.

6 Q -- mother might have said about the murder
7 weapon?

8 A Yeah, I heard once I got subpoenaed for
9 these, yeah; but, yeah, I never -- I never talked
10 to her.

11 Q Turning to the last page of your
12 interrogatory, page five, Interrogatory Number 15
13 states: "Identify all complaints that have ever
14 been made against you relating to your role as a
15 law enforcement official, including all internal
16 affairs intra- or interdepartmental, and citizen
17 complaints alleging dishonest behavior, lying
18 under oath, witness manipulation, improper
19 behavior during interrogations or interviews."

20 And it goes on and on there, and asks
21 you to list, include for each complaint: "The
22 date, a description of the content, an identifying
23 number and how it was resolved, including any
24 discipline imposed."

1 You answered: "None." There were several
2 citizen complaints that were made against you
3 during --

4 A I hadn't -- I didn't have the records or
5 anything to look that up.

6 MR. IASPARRO: And I'm going to object
7 because this is specific to complaints alleging
8 all of those things.

9 MS. TINGSTAD: Including excessive force
10 and false arrest, for which there are complaints.

11 MR. IASPARRO: None -- none which where
12 founded.

13 MS. TINGSTAD: Didn't ask for complaints
14 that were founded; it asked for all complaints.

15 THE WITNESS: I had no way of knowing.
16 I don't have no records.

17 MS. TINGSTAD: Schmidt 13.

18 MR. IASPARRO: False accusations work both
19 ways.

20 MS. TINGSTAD: Mark this as Schmidt 13.

21 (Exhibit 13 was marked for
22 identification.)

23 BY MS. TINGSTAD:

24 Q Let the record reflect that Schmidt 13 is

1 Bates stamped Schmidt 707 through 713.

2 MR. IASPARRO: I object, for the record,
3 that any of these fall within the context of
4 Interrogatory 15. You can answer her question
5 but --

6 BY MS. TINGSTAD:

7 Q Schmidt 707 is dated May 19th, 1980,
8 correct?

9 A What, 707?

10 Q Yes, Schmidt 707.

11 A Okay.

12 MR. IASPARRO: Forty years ago, Mark.

13 THE WITNESS: Huh?

14 MR. IASPARRO: Forty years ago.

15 THE WITNESS: Yeah.

16 BY MS. TINGSTAD:

17 Q And --

18 A 1980, that was unfounded.

19 Q This alleges that an officer attacked the
20 complainant from behind and choked him. This was
21 unfounded as a finding.

22 MR. IASPARRO: Is that a question?

23 MS. TINGSTAD: No, it's not.

24 Q Moving on to Schmidt 709, this allegation

1 describes excessive force. Would you agree?

2 A Well, it's what the complaint was, yeah.

3 MR. IASPARRO: Forty-two years ago, Mark.

4 THE WITNESS: Yes.

5 BY MS. TINGSTAD:

6 Q Schmidt 710 --

7 A Which I was exonerated on also.

8 Q Do you recall an incident reflected in
9 Schmidt 710 --

10 A Yes.

11 Q -- that occurred in 1977 at the Stage Door
12 Lounge?

13 A Yes.

14 MR. IASPARRO: Forty-three years ago,
15 Mark.

16 THE WITNESS: Forty-three years.

17 BY MS. TINGSTAD:

18 Q Do you recall giving a statement under
19 oath in that -- in that situation?

20 A Yes.

21 MR. IASPARRO: Counsel, again, which one
22 of these modifying categories in Interrogatory 15
23 does Smith 710 fall under?

24 MS. TINGSTAD: Administrative complaints.

1 MR. IASPARRO: Filed in state or federal
2 courts?

3 MS. TINGSTAD: Or agencies.

4 MR. IASPARRO: It doesn't say agencies.

5 MS. TINGSTAD: Alleging misconduct.

6 Q Mr. Schmidt, this complaint was sustained,
7 and you were suspended without pay for four
8 days --

9 A That's correct.

10 Q -- correct? And this had to do with
11 drinking to the extent that judgment was impaired?

12 A Yep.

13 Q And Officer Thomas in this case was
14 terminated for his involvement --

15 A Yes.

16 Q -- at the Stage Door Lounge.

17 MR. IASPARRO: I also object to the
18 relevance of any of this. It's never admissible.
19 It's not admissible.

20 MS. TINGSTAD: I don't think I have any
21 more questions. So if you want to jump in and
22 ask your questions, I may come up with one more,
23 but I don't think I do, so.

24 EXAMINATION

1 BY MR. IASPARRO:

2 Q I'm going to run through these. I'm
3 sorry.

4 A No, that's okay.

5 Q I'll go through these as quickly as I
6 can. Quickly ask you to look at Detective
7 Forrester's report, which is Schmidt Exhibit 3.
8 In particular, I'm showing it to you right now,
9 page 10 of 15. At the middle, the paragraph I'm
10 pointing to: "She then stated that Patrick also
11 admitted to her that he had robbed the Burger King
12 on Riverside. She also gave a verbal statement on
13 this." Is that referring to Samantha Crabtree?

14 A Yes.

15 Q So during her verbal account of these
16 three crimes that you guys went through with her,
17 she did say that --

18 A Right.

19 Q -- Pursley admitted to her that he had
20 robbed the Burger King on Riverside?

21 A Yes.

22 Q You've reviewed Detective Forrester's
23 report before today, during the course of today's
24 deposition, correct?

1 A Yes.

2 Q And with respect to the portions of it
3 which relate to your and Detective Forrester's
4 interaction with Samantha Crabtree on June 10th,
5 through June 11th, 1993, does Detective
6 Forrester's report fairly and accurately summarize
7 your interactions with Samantha Crabtree?

8 A Yes.

9 Q Mr. Schmidt, did you fabricate any
10 evidence against Patrick Pursley with respect to
11 the murder of Andrew Ascher?

12 A No.

13 Q Do you know of any Rockford police officer
14 or Illinois State Police forensic scientist who
15 did?

16 A No.

17 Q Did you ever conceal the fabrication of
18 any evidence from Mr. Pursley or his lawyers?

19 A No.

20 Q Are you aware of anybody who did?

21 A No.

22 Q Did you ever conceal any exculpatory or
23 impeachment evidence from Mr. Pursley or his
24 lawyers at any time?

1 A No.

2 Q Are you aware of anybody who did?

3 A No.

4 Q You were not involved at any time in
5 interviewing or talking to or taking a statement
6 from a man named Marvin Windham in connection with
7 the Ascher homicide investigation?

8 A No.

9 Q At any time during the course of your
10 interaction with Samantha Crabtree on June 10th,
11 and June 11th, 1993, did you pressure her into
12 giving any statements, verbal or written, on those
13 days?

14 A No.

15 Q Did you coerce her in any way?

16 A No.

17 Q Did you promise her anything?

18 A No.

19 Q Did you ever threaten her in any way?

20 A No.

21 Q Did you ever suggest to her that her kids
22 were going to be taken away from her?

23 A No.

24 Q Did you hear Detective Forrester at any

1 time pressure her in any way?

2 A No.

3 Q Coerce her in any way?

4 A No.

5 Q Threaten her in any way?

6 A No.

7 Q Did Detective Forrester ever slam his
8 fist on the table in your presence at any time
9 during the Samantha Crabtree interviews?

10 A No.

11 Q Did you?

12 A No.

13 Q Did Detective Forrester ever suggest to
14 Ms. Crabtree that he or somebody was going to take
15 her kids away if she didn't cooperate with you?

16 A No.

17 Q Was she cooperative throughout the
18 12-hours-plus that you and Detective Forrester
19 were with her?

20 A Yes.

21 Q Did she ever tell you at any time during
22 that time period: "I'm done, guys. I just can't
23 do this anymore"?

24 A No.

1 Q "I don't want to talk to you anymore"?

2 A No.

3 Q Did she ever ask for a lawyer?

4 A No.

5 Q Who was the only person she ever told you
6 she was scared of that day?

7 A Patrick Pursley.

8 Q Are you aware of, or have any knowledge of
9 any Rockford police officer planting any evidence
10 at the apartment at 901 Ashland or fabricating the
11 results of the execution of the search warrant on
12 that apartment on June 10th, 1993?

13 A No.

14 Q Are you aware of any Rockford police
15 officer ever doing it during the course of your
16 career?

17 A No.

18 Q And were you involved in any way in
19 submitting any physical evidence in the Ascher
20 homicide case to the Illinois State Police crime
21 lab for testing?

22 A No.

23 Q Did you ever talk to any members of the
24 Illinois State Police crime lab or personnel of

1 the crime lab with respect to any forensic testing
2 that was done on any physical evidence in the
3 case?

4 A Not that I know of, no.

5 Q And I think you testified to this, but
6 have you ever spoken to a woman by the name of
7 Lois Ascher?

8 A No.

9 Q You testified to your contacts with her
10 husband, Vernon Ascher, correct?

11 A Right. The only contact I had with the --
12 (Whereupon, there was a cell phone
13 interruption.)

14 THE WITNESS: Sorry, can I get that?

15 (Discussion off the record commencing at
16 5:45 p.m. and concluding at 5:45 p.m.)

17 THE WITNESS: Sorry, my daughter, go
18 ahead.

19 BY MR. IASPARRO:

20 Q Other than the contacts that you had
21 with Vernon Ascher in terms of releasing his son's
22 vehicle to him after it had been processed, and
23 releasing some keys to him, did you have any other
24 contact with Vernon Ascher at any other time?

1 A No.

2 Q Do you have any knowledge of any Rockford
3 police officer at any time discussing with Vernon
4 Ascher or Lois Ascher something about a gun or a
5 different gun having been found than the one that
6 was introduced into evidence?

7 A No.

8 Q Are you aware of any Rockford Police
9 Department policy or practice that was in place
10 while you were with the Rockford Police Department
11 with regard to pursuing convictions without regard
12 for the truth? Did you ever have any policy or
13 practice employed by the Rockford Police
14 Department where you and your fellow officers
15 would pursue convictions of people without regard
16 for the truth?

17 A No.

18 Q And were you ever aware of any Rockford
19 Police Department policy or practice whereby
20 officers were not adequately trained and
21 supervised with respect to their requirements
22 and obligations to disclose exculpatory and
23 impeachment evidence? It's a bad way of asking
24 the question.

1 A Yeah.

2 Q Let me ask it again.

3 A Are you asking me if I knew it?

4 Q Were you aware of your obligation --

5 A Yes.

6 Q -- to disclose exculpatory or impeachment
7 evidence to prosecutors?

8 A Yes.

9 Q Did you follow that obligation in the
10 Pursley case?

11 A Yes.

12 Q Were you trained on those obligations
13 during the course of your career?

14 A Yes.

15 Q Were you ever aware of the Rockford Police
16 Department turning a blind eye towards officers
17 who did not follow those obligations?

18 A No.

19 Q Are you aware of any sort of code of
20 silence that was ever followed by Rockford police
21 officers while you were employed with the Rockford
22 Police Department?

23 A No.

24 Q A few more follow-up questions: Early on

1 Counsel asked you about report writing. And I
2 think we've talked about reports sort of being a
3 summary of what's done during the course of
4 investigation, but why doesn't every detail in an
5 interview or interrogation end up in a police
6 report?

7 A Well, because you refer that to the
8 statement. It's why you take a typed statement
9 for; so you have everything that whoever you're
10 interviewing is -- you know, puts down. It's
11 no sense in duplicating everything.

12 Q Prior to the interview of Samantha
13 Crabtree on June 10th, 1993, had you discussed,
14 at least in general terms, the information that
15 Detectives Forrester and Scott had developed
16 from the Crimestoppers informant about Patrick
17 Pursley's involvement in the Ascher murder?

18 A Yes.

19 Q So you had that baseline going into the
20 interview of Samantha Crabtree; is that fair to
21 say?

22 A Right, right.

23 Q And on that day, prior to interviewing
24 Samantha Crabtree, and while -- I guess after you

1 had established surveillance, you saw Mr. Pursley
2 and Ms. Crabtree come out of 901 Ashland, correct?

3 A That's correct, Apartment 2.

4 Q And you and other officers followed them
5 over to Evergreen?

6 A That's correct.

7 Q And Mr. Pursley fled that day, correct?

8 A Yes, he did.

9 Q Your understanding, that he knew you guys
10 were police officers?

11 A Yeah, I'm sure.

12 Q When you and Detective Forrester went up
13 to Mira Foster's porch that day, June 10th, 1993,
14 and asked Ms. Crabtree if she would be willing to
15 come down and talk to you about Patrick Pursley,
16 did she ever say, "No"?

17 A No.

18 Q Did she hesitate in any way?

19 A No.

20 Q Did she ask, "What is this about," other
21 than the fact that she knew it was about Patrick
22 Pursley?

23 A No.

24 Q Did she seem concerned for her children

1 that day?

2 A No.

3 Q Mira Foster, who I think is also known as
4 Peachy Foster, agreed --

5 A Right.

6 Q -- to watch her kids, right?

7 A That's correct.

8 Q Did Samantha Crabtree seem satisfied with
9 that?

10 A Yes.

11 Q And outside of 901 Ashland when Detective
12 Scott read the search warrant to Mrs. Crabtree,
13 did Mrs. Crabtree object in any way to the search
14 warrant being executed?

15 A No.

16 Q Whether she had a legal right to do so or
17 not?

18 A No.

19 Q Was she handcuffed at that time?

20 A No.

21 Q And when she was asked to go up into the
22 apartment and assist the detectives who were
23 conducting the search and locating one of those
24 two firearms, did she hesitate in any way?

1 A No.

2 Q Was she cooperative?

3 A Yes.

4 Q Did she ever say, "No, I'm not going to
5 help you guys"?

6 THE REPORTER: What? Was she cooperative?
7 Okay.

8 THE WITNESS: She was cooperative, yes.

9 BY MR. IASPARRO:

10 Q Did she ever say, "No, I'm not going to
11 help you guys?"

12 A No.

13 Q During the course of the Crabtree
14 interview -- the first portion, I'll call it --
15 where you were gathering the general information
16 and kind of getting a general sense of what she
17 was going to tell you, do you recall Detective
18 Forrester showing him -- showing her some
19 photographs of the bank robbery suspect from
20 that First Bank North bank robbery?

21 A Yes.

22 Q And do you remember what she said?

23 A She said, "He's" -- you know, "It looked
24 like him"; but when they left in the morning, he

1 was wearing dark clothes. And when he got back
2 into her car, he still had dark clothes on.
3 She didn't know. She says, "You know, he wasn't
4 wearing those clothes, so."

5 Q And a little bit later on when you were
6 talking to her about the Ascher murder, and she
7 indicated that Mr. Pursley had taken off about
8 7:30 that evening and then called her between
9 12:30 and 1:00 a.m., and had her pick him up at
10 the Stop-N-Go at 11th and Harrison; do you recall
11 that?

12 A Yes.

13 Q Did you think she was telling you the
14 truth at that time?

15 A No.

16 Q And the murder took place, if I recall
17 correctly, about 10:00 p.m. over on Silent Wood,
18 correct?

19 A That's correct.

20 Q So if, for the sake of argument, somebody
21 on foot was at 2907 (sic) Silent Wood at
22 10:00 p.m., could they walk to the Stop-N-Go
23 on 11th Street and Harrison and get there by
24 12:30 a.m.?

1 A Yes, I believe they --

2 MS. TINGSTAD: Objection; calls for
3 speculation. You also said 12:30 a.m. I'm not
4 sure you meant to say that.

5 MR. IASPARRO: I did.

6 MS. TINGSTAD: Oh.

7 MR. IASPARRO: That's all I have.

8 MR. POTTINGER: I don't have any
9 questions.

10 MS. HALL: I don't have any questions.

11 MR. IASPARRO: Anybody still on the phone?

12 MS. KOZAR: I'm on the phone, yes.

13 MS. TINGSTAD: Do you have any questions?

14 MS. KOZAR: I have just a couple really
15 quick questions.

16 THE REPORTER: I'm sorry. Can you
17 identify? Is this Ms. Kozar?

18 MS. KOZAR: Yes.

19 EXAMINATION

20 BY MS. KOZAR:

21 Q Mr. Schmidt, my name is Amanda Kozar,
22 and I represent defendants Jack Welty, Pete
23 Striupaitis, and Dan Gunnell in this case.
24 You mentioned earlier that you know Jack Welty,

1 correct?

2 A I know of him, yes.

3 Q Okay. How do you know of him?

4 A Well, I have taken stuff over to the state
5 crime lab there -- not on this case -- but other
6 times.

7 Q Okay. Did you have any communication
8 with Jack Welty pertaining to this case?

9 A No.

10 Q Okay. And I'm sorry. You had no
11 communication with him during the pendency of
12 this case or after it was closed; is that correct?

13 A That's correct.

14 Q Okay. When was the last time you spoke to
15 Mr. Welty?

16 A Oh, God, I would have no idea.

17 Q Okay. Do you know anyone by the name of
18 Peter Striupaitis?

19 A Not that I can recall.

20 Q Okay. Do you know anyone by the name of
21 Dan Gunnell?

22 A No.

23 Q Okay. While the investigation for this
24 case was ongoing, did you speak to anyone

1 affiliated with Illinois State Police about this
2 case?

3 A Regarding the Pursley case?

4 Q Yes.

5 A No.

6 Q Okay. That's all I have. Thank you.

7 MS. TINGSTAD: I have no questions.

8 MR. IASPARRO: Mark, last thing here,
9 you have an opportunity, if you wish, to read the
10 transcript of today's deposition -- which would
11 take you several hours undoubtedly -- just to make
12 sure that everything was taken down correctly,
13 correct certain errors; or you can waive that and
14 trust that our court reporter, who does this every
15 day, got everything down correctly, which I
16 suggest you do.

17 THE WITNESS: Yes, I trust her.

18 (Concluded at 5:55 p.m.)

19 (Original exhibits returned to
20 Mr. Iasparro. Copies of exhibits provided
21 electronically.)
22
23
24

CERTIFICATE OF COURT REPORTER

I, Beth A. Wakenight, Certified Shorthand
Reporter No. 084.003605, B.A., CSR, RPR, CRR, for
the County of Kane, State of Illinois, the officer
before whom the foregoing deposition was taken, do
hereby certify that the foregoing transcript is a
true and correct record of the testimony given;
that said testimony was taken by me
stenographically and thereafter reduced to
typewriting under my direction; that reading and
signing was not requested; and that I am neither
counsel for, related to, nor employed by any of
the parties to this case and have no interest,
financial or otherwise, in its outcome.

Dated this 4th day of February, 2020.



BETH A. WAKENIGHT, CSR/RPR/CRR
CSR No. 084.003605

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